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Case Number	18/04146/FUL (Formerly PP-07319381)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of a mixed use development including three interconnected blocks, two at 12 storeys and one at 7 storey, incorporating 268 residential units and two commercial units at ground floor (A1/A2/A3/B1(a) & D1 uses), with associated car parking, landscaping, servicing and access
Location	Site Of Sheffield Testing Laboratories Ltd And 58 Nursery Street And Car Park On Johnson Lane Sheffield S3 8GP Sheffield S3 8GP
Date Received	01/11/2018
Team	City Centre and East
Applicant/Agent	Zerum Consult Ltd
Recommendation	Grant Conditionally

#### Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

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

#### Approved/Refused Plan(s)

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

Site Location Plan 170109-A-PL-000 Rev P01  
Existing Site Plan 170109-A-PL-001 Rev P01  
Existing Site Levels 170109-A-PL-002 Rev P01  
Proposed Demolition Plan 170109-A-02-100 Rev P01  
Proposed GA Ground Floor Plan 170109-A-PL-100 Rev P04  
Proposed GA First Floor Plan 170109-A-PL-101 Rev P02  
Proposed GA 2nd - 5th Floor Plan 170109-A-PL-102 Rev P02  
Proposed GA 6th and 7th Floor Plan 170109-A-PL-106 Rev P03

Proposed GA 8th - 10th Floor Plan 170109-A-PL-108 Rev P03  
Proposed GA 11th Floor and Roof Plan 170109-A-PL-111 Rev P03  
Proposed Site Plan 170109-A-PL-113 Rev P01  
Proposed Levels Plan 170109-A-PL-114 Rev P01  
Proposed Block A-B-C Elevation - Nursery Street & Nursery Lane 170109-A-PL-200 Rev P02  
Proposed Block B & C Elevations 170109-A-PL-201 Rev P02  
Proposed Block A Elevations - Johnson Street & Internal 170109-A-PL-202 Rev P02  
Proposed Block A-B-C Elevation - Nursery Street 170109-A-PL-250 Rev P02  
Proposed Block C Elevation - Joiner Street 170109-A-PL-251 Rev P02  
Proposed Block A-B-C Elevation - Nursery Lane 170109-A-PL-252 Rev P01  
Proposed Block A & B Section A-A & C-C 170109-A-PL-300 Rev P02  
Proposed Block A, B, & C Section B-B & D-D 170109-A-PL-301 Rev P02  
Proposed Block C Section E-E 170109-A-PL-302 Rev P02  
Typical Façade Details 170109-A-SK501  
Typical External Wall Build-Ups for Steel Frame 170109-A-SK502

Reason: In order to define the permission.

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

3. Intrusive investigations as recommended in the approved Clancy Consulting Phase I Preliminary Risk Assessment Ground Condition Report ref. 10/1100/002 (Nov. 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 the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

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

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

5. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a

Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

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

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

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

6. 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.

7. 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.

8. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the local planning authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document plans and procedures designed 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 environmental or amenity impacts that cannot be adequately controlled at source.

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

9. Excluding demolition, no development shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 50% 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. Discharge shall be to the River Don unless a suitable case can be made that this would involve disproportionate investment to achieve this. Allowance in storage should be made for a submerged outfall when high river flows. Approval to discharge to the combined sewer as an alternative will require approval from Yorkshire Water.

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.

10. Excluding demolition, 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.

11. No construction shall commence in the relevant area (s) of the site until the 225mm public sewer has been abandoned in accordance with details (including but not exclusive to evidence that the closure has been agreed with the relevant statutory undertaker ) that have been submitted to and approved in writing by the Local Planning Authority .

Reason: In order to allow sufficient access for maintenance and repair work at all times.

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

7. 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.
12. No construction work 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 of the completed development will be obtained from decentralised and renewable or low carbon energy; Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. 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

13. 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.

14. 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.

15. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

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

16. 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.

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

The Strategy shall include a detailed implementation plan, with arrangements to review and report back on progress achieved to the Local Planning Authority. Thereafter the Strategy shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic and social benefits for local communities from the proposed development.

18. No above ground construction 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 footways shall be reconstructed using secondary palette materials in line with Sheffield City Council's Urban Design Compendium.

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

19. 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: LAeq (8 hour) - 30dB (2300 to 0700 hours);  
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);  
Bedrooms: LAFmax - 45dB (2300 to 0700 hours)  
External Amenity Areas: LAeq (16 hour) 55dB (0700 to 2300 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.

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

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

- a) Be carried out in accordance with an approved method statement.
- b) Demonstrate that the specified noise levels have been achieved.

In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be

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

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

21. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority. The scheme shall include the following details:

- all hard materials;
- tree and plant species, sizes, numbers, locations, planting methods (for trees) and soil depths; and
- future maintenance strategy.

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

22. The development shall be carried out in accordance with the submitted flood risk assessment (ref. 1st October 2018/1691/Clancy Consulting Limited) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 47.15m above Ordnance Datum (AOD).
- Flood Resilience and resistance measures shall be incorporated into the proposed development as stated in the FRA (detailed in section 7.0, page 20).
- The ground floor shall be for less vulnerable uses only (no residential apartments).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

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. 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 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.

25. 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 the amenities of the locality and occupiers of adjoining property.

26. No above ground construction work shall commence until 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.

27. 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.

#### Other Compliance Conditions

28. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

29. The development shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

30. The commercial food and drink uses hereby approved (Class A3) shall only be used between the hours of 0800 and 2330 Mondays to Saturdays, and 0800 hours and 2300 hours on Sundays and Public Holidays.

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

31. 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.

32. 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.

Attention is Drawn to the Following Directives:

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

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

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

2. 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:
  - (i) Reference to permitted standard hours of working: 0730 to 1800 Monday to Friday; 0800 to 1300 Saturday; and no working on Sundays or Public Holidays.
  - (ii) Prior consultation procedure (EPS & LPA) for extraordinary working hour's arrangements.
  - (iii) A communications strategy for principal sensitive parties close to the site.
  - (iv) Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for:
    - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
    - Vibration.
    - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
  - (v) A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
  - (vi) 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.
  - (vii) Details of site access & egress for construction traffic and deliveries.
  - (viii) 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](mailto:eps.admin@sheffield.gov.uk).

3. 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.
4. 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:

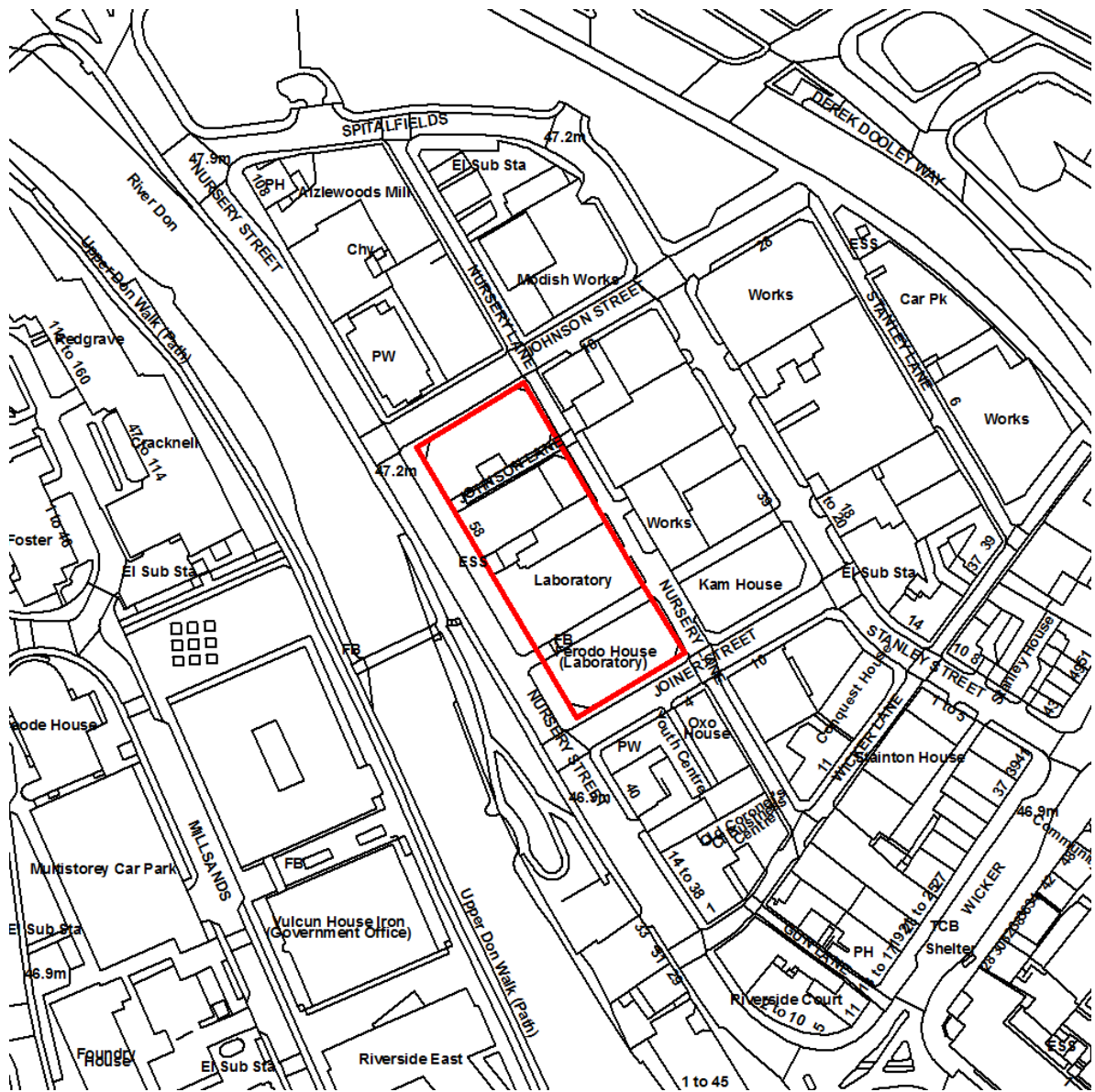
<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

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](mailto:snn@sheffield.gov.uk)

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

5. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
6. You 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) 2734264 or by email at [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk).

# Site Location



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## LOCATION AND PROPOSAL

The application site comprises an urban block to the east of Nursery Street, bound by Johnson Street to the north, Nursery Lane to the east and Joiner Street to the south, on land designated as a General Industry Area as defined in the Unitary Development Plan (UDP). The block is dissected by Johnson Lane, a cul-de-sac providing access to a surface level car park which occupies the northern end of the site. The remainder is occupied by two and three storey largely brick built industrial/office buildings which have been vacant for some time.

To the north of the application site, on the opposite side of Johnson Street, is a grade II listed stone built church and boundary wall (the New Testament Church of God) which was built in 1948 by William Flockton in a Gothic Revival style. Beyond the church is the grade II listed Aizlewoods Mill, also by Flockton, a 4 to 6 storey former corn mill, now offices and industrial units, built in 1847 in red brick with hipped and gable slate roofs. Both the church and mill lie within the Kelham Island Conservation Area which bounds the site to the north.

The block to the east of the application site is occupied by 1 and 2 storey brick built industrial buildings and associated car parking. To the south, fronting Nursery Street is a two storey red brick building occupied by a church group and a five storey Art Deco style building known as Oxo House, which has been converted into office accommodation.

On the opposite side of Nursery Street, adjacent the River Don is a pocket park which was created as part of a flood defence scheme (14/03199/RG3). From here a pedestrian footbridge provides access across the river and to the 6 storey office blocks which front the western riverbank.

Planning permission is sought for the demolition of the existing buildings and the erection of 268 apartments in three interconnected blocks, two reaching 12 storeys and one reaching 7 storeys in height, with ancillary accommodation, two commercial units (A1/A2/A3/B1(a) and D1 uses) and car parking at ground floor level.

## RELEVANT PLANNING HISTORY

The proposals under consideration were the subject of a pre-application enquiry ref: 17/02892/PREAPP

## SUMMARY OF REPRESENTATIONS

Four representations were received in relation to the proposed development, all raising objections. The representations were received from Cllr Anne Murphy, Hallamshire Historic Buildings, a local business and the Sheffield Cooperative Development Group. The latter two are based in Aizlewood's Mill.

The concerns raised by objectors include:

- The height of this 12 storey complex will have a detrimental impact on the appearance of the two, nearby Grade II listed buildings - Aizlewood's Mill and the church.

The church and mill are valued not only for their quality as buildings but also as a surviving fragment of the nineteenth century streetscape, which has been largely lost owing to war damage and subsequent unsympathetic development.

The proposed seven storey block, in close proximity to the church, will be taller and much bulkier than the church tower, immediately and significantly detracting from the setting and reducing the church to a subsidiary role in the streetscape.

The cumulative effect of the much larger 12-storey blocks entirely changes the appearance of the street.

The building heights are also in clear breach of local planning policy.

The proposal appears to be over-dominant, overbearing and to overshadow the listed buildings, possibly even denying light to the church.

The proposal also blocks views of the listed buildings when looking north along Nursery Street.

The Heritage Statement acknowledges that the setting of listed buildings will be harmed, but reaches very questionable conclusions about the degree of harm.

NPPF 194 states that any harm or loss should require clear and convincing justification. As it would be possible to develop this site in such a way that the harm to the setting of listed buildings is much less than that proposed, no such justification exists.

In order to reduce the harm to the setting of listed buildings, the seven storey block should be reduced by at least one storey, so that it becomes subservient to the adjacent church tower. It should also be set back from the street or the corner to Johnson Street canted, or both, so as to preserve the prominence of the church tower.

In order to comply with policy on building height and reduce the harm done to the setting of listed buildings, the 12 storey blocks should be reduced to around 6 storeys, maintaining the scale established by the recent buildings on the south side of the river and creating an appropriate sense of enclosure.

- The number of proposed car parking spaces is too low. On-street parking and local car parks are used by local workers in the Irwin Mitchell and Home office buildings as well as churchgoers, and every piece of available scrap land is also parked upon, whether legal or not.

One space per 6.6 apartments (some of which have 3 bedrooms) is far too low and will make illegal parking and the impact on local businesses much worse.

Loss of the existing private car park and an increase in the number of dwellings by another 268 will make the local roads impassable.

- Is flood mitigation sufficient? There have been improvements to flood protection on Nursery Street, but the maps still show part of the site within the 'high probability of flooding' area and the rest in the 'developed floodplain'. The proposed commercial units and hard landscaping are likely to increase run-off and, therefore, the potential for flooding.

## PLANNING ASSESSMENT

The site lies within a General Industry Area as defined in the Unitary Development Plan (UDP) in which policy IB5 of the UDP (Development in General Industry Areas) describes industrial and warehouse uses as the preferred use of land and residential uses as unacceptable. However, the adopted Wicker Riverside Action Plan (2007-2017) identifies Nursery Street as a key area for regeneration and supports a mix of uses including retail and food and drink uses at ground floor level with office and residential above.

Similarly Core Strategy policy CS6 (c) (Manufacturing and the City Centre) describes parts of Wicker and Riverside as transition areas where manufacturing will not be allowed to expand and will be encouraged to relocate to more suitable sites, while policy CS17 (I) (City Centre Quarters) identifies the area as suitable for riverside housing. Consequently the proposed mix of uses is considered to be acceptable.

The application site is classed as previously developed and so the proposed apartment scheme will help to achieve the aims of Core Strategy policy CS24 which seeks to maximise the use of previously developed land for new housing. Core Strategy policy CS26 (Efficient Use of Housing Land and Accessibility) sets appropriate density ranges in different locations according to accessibility. This site lies within the City Centre where the appropriate density range is at least 70 dwellings per hectare. The proposal for 268 apartments represents a density of 447 dwellings per hectare, which is considered to be acceptable in this location.

Core Strategy policy CS41 (Creating Mixed Communities) (a) aims to promote the creation of mixed communities by providing for a broad range of smaller households in the City Centre. Typically this means that no more than half the new homes in larger developments should consist of a single house type. In this City Centre location it is considered that provision should be made for a wide range of smaller households and the proposal for 80 studios, 72 one bed apartments, 106 two bed apartments and 10 three bed apartments is considered to meet the aims of the policy.

NPPF paragraph 73 requires local authorities to identify a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing



against their housing requirement with an additional 5% buffer. The development of this scheme will contribute to the Council's 5 year housing supply.

Core Strategy Policy CS22 relating to the scale of the requirement for new housing sets out Sheffield's housing targets until 2026 and identifies that a 5 year supply of deliverable sites will be maintained. However, the NPPF now requires that where a Local Plan is more than 5 years old, the calculation of the 5-year housing requirement should be based on local housing need calculated using the Government's standard method. Using this method, the latest monitoring shows that the city has a 5.04 year supply of deliverable housing sites.

## Flood Risk

Paragraph 163 of the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Policy CS67 of the Core Strategy (Flood Risk Management) states that, where there is an overriding case for developing in a zone with a high probability of flooding, development will only be permitted if more vulnerable uses, including housing, are located above ground level, the building is designed to be resilient to flood damage and adequate on and off-site flood protection measures are provided.

The application site lies largely within flood zone 3a, which has a high 1 in 100 year annual probability of flooding, and partially within flood zone 3a(i), the developed floodplain, which has a higher 1 in 25 year annual probability of flooding.

The applicant submitted a Flood Risk Assessment (FRA) as well as Sequential and Exception Tests with the original submission. The Sequential Test concluded that there are no sequentially preferable sites, i.e. no other reasonably available sites in lower flood risk areas to which this development could be directed, and this accepted.

The Exception Test requires the applicant to demonstrate that the regeneration benefits of the development outweigh the flood risks and that it will be safe for its life time, without increasing flood risk elsewhere.

The proposal for 268 apartments and ground floor commercial units is acceptable in principle as described above. It will replace vacant buildings and a surface level car park on a key riverside site and is considered to accord with the vision for the Wicker riverside area as described in the Wicker Riverside Action Plan: *'...a new mixed use neighbourhood within the City Centre with a distinctive character and identity. More than 3000 residents live in a mix of waterfront apartments and residential conversions of existing buildings. ... The area is a centre for local employment with new offices and commercial premises taking advantage of the good links to the City Centre and the Inner Relief Road.'*

The FRA notes that the new flood defence wall along Nursery Street was designed for a 1 in 100 year flood event with a 400mm allowance for climate change) to the year 2039 and is, therefore, likely to offer protection in the area for events well in excess of the 100 year plus climate change levels. It is understood that the proposal may not be fully protected from extreme events, i.e. to the 1 in 100 year standard plus 30% for climate change, but the development has been designed to take flood risk into account, with residential properties located approximately 2.5m above extreme flood event levels (at first floor level) and less vulnerable uses such as commercial units, car parking and storage located at ground floor level, but raised above the average external ground level to provide protection from residual risk.

The Environment Agency raised no objection to the proposed development subject to a condition requiring it to be carried out in accordance with the submitted flood risk assessment and a range of mitigation measures including finished floor levels being set no lower than 47.15m above Ordnance Datum (AOD) and no vulnerable uses at ground floor level.

On the basis of the above, the development is considered to comply with Core Strategy Policy CS67 and the NPPF.

#### Design and Conservation

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 124).

Policy BE5 of the UDP (Building Design and Siting) expects good design and the use of good quality materials in all new buildings. It encourages original architecture, but states that new buildings should complement the scale, form and architectural style of surrounding buildings. Similarly, though perhaps less relevant given the changing nature of the area, policy IB9 (Conditions on Development in Industry and Business Areas) of the UDP states that new development should be well designed with buildings of a scale and nature appropriate to the site.

The northern boundary of the application site is bound by the Kelham Island Conservation Area. Policy BE16 (Development in Conservation Areas) advises that development in conservation areas should preserve or enhance the character or appearance of the area, and that the same principle applies when considering proposals which would affect the setting of a conservation area or significant views into, or out of, the area.

The site also lies in close proximity to listed buildings. Paragraph 193 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

It goes on to say that any harm to the significance of a heritage asset (from its alteration or destruction, or from development within its setting) requires 'clear and convincing justification' and that, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal' (para. 196).

In addition, when considering whether to grant planning permission for development which affects a listed building or its setting, section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 states that the local planning authority shall have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses,' while UDP policy BE19 (Development Affecting Listed Buildings) requires developments which affect the setting of a listed building to preserve the character and appearance of the building and its setting.

The site lies within the Riverside Quarter as identified in the Sheffield City Centre Urban Design Compendium. A manufacturing hub during the 19<sup>th</sup> century which retains many fine buildings, today the Riverside Quarter has benefitted from pockets of development, the rationalisation of the highway network and the formation of a riverside pocket park, but it remains disparate and suffers from its lack of connection with the city centre.

The application site is considered to be of strategic importance, in terms of its potential to bring about transformational change within the area, and while the Compendium suggests that development in the Quarter will be of the scale of riverside works and warehouses, it acknowledges that more dominant forms may be appropriate on gateway sites.

The site's character is informed by:

- The listed church, Aizlewoods Mills building and the conservation context to its northern edge;
- Its south facing orientation and a significant frontage to the river/ riverside park along Nursery Street;
- The characteristic gridded street pattern with streets and lanes of different width providing north south connectivity.

At ground level the proposed development occupies the entire site footprint with active frontage along Nursery Street, returning along Johnson Street and Joiner Street. It is considered that this arrangement will strengthen the gridded street pattern and the active uses will reinforce existing and emerging pedestrian movement in the area and establish a strong connection with the riverside park.

Three residential blocks are elevated above the ground floor. The blocks to the south (B and C) reach 12 storeys in height, forming a prominent gateway into the Riverside Quarter via the pedestrian bridge that crosses the River Don in this location. At 7 storeys, the northern block (A) defers to the scale of the listed church and mill building – the top of Block A is the same height as the church tower – while to the rear of the site, adjacent Nursery Lane, all three blocks acknowledge

the narrow street width and the limited opportunity for height on neighbouring blocks by stepping down to 6 storeys.

The character of the area is mixed, but the neighbouring conservation area and listed church have rightly influenced the architectural approach. All three blocks are contemporary in appearance but Block A, across from the church, has a more restrained masonry grid, with deeply recessed fenestration, a vertical emphasis and a clearly defined ground floor to reflect the strong verticality established by the church buttresses. Block A is finished in a buff/brown multi brick, featuring splays and soldier courses, to compliment the stone church, whilst also referencing the prevalence of brick in the conservation area.

Blocks B and C are larger in scale and form a pair or gateway. Due to their scale they have more clearly defined tops, expressed in a contrasting material, and greater variation in the facades to create interest and definition. Strip windows emphasise their verticality, but these are then staggered to create a random pattern that contrasts with the more formal layout of Block A. To subtly differentiate blocks B and C, they feature different cladding materials and different window patterns, but their primary facades are finished in a crisp buff/brown brick with a similar tone to the brick to be used on block A. The lower elements to the rear of all three blocks will be clad in a dark brown brick, which will help to reduce the perceived massing of the development as a whole.

Whilst new and different, it is considered that the proposed development responds positively to the setting of the neighbouring heritage assets as well as the site's riverside location.

At present the setting of both listed buildings and the conservation area suffers from a fragmented streetscape, including the inner relief road, a number of surface level car parks and poor quality 20<sup>th</sup> Century development. It is considered that the reduced scale of block A and its strong architectural references to the church create a positive relationship that it is considered will enhance the setting of both the listed buildings and the conservation area.

The two taller towers create a prominent new gateway into the Riverside Quarter from the city centre via the pedestrian bridge which it is considered the wide river corridor can support. It is acknowledged that the proposals will limit some views of the church tower, particularly when looking north-west along Nursery Street, and that the church and mill will no longer be the most prominent buildings along this section of Nursery Street, arguably resulting in some harm to the setting of these heritage assets. However, because of their riverside setting, many views of the listed buildings, particularly key views from the city centre and from within the conservation area, are retained. It is therefore considered that any harm caused to the setting of the designated heritage assets is not substantial. Moreover, the proposed development has the potential to bring about the transformational change needed to kick-start the regeneration of the part of the Riverside Quarter, creating jobs and helping to meet the city's housing needs in a convenient and easily accessible location.

Consequently, it is considered that the proposed development complies with the requirements of Policies BE5, BE16 and BE19 of the UDP as well as guidance within the NPPF and the Planning (Listed Building and Conservation Areas) Act.

### Residential Amenity

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

Window to window distances between blocks are in excess of 18 metres, which falls short of the standard 21 metre privacy distance for suburban locations but which is considered to be acceptable in this urban setting where residents cannot expect the same levels of privacy given the need to use land efficiently.

The main noise source affecting the site is traffic, though there is some light industrial noise from properties to the east of the site. Noise was recorded from vehicles on streets adjoining the site, including Nursery Street, but as vehicle movements in the immediate vicinity are limited, in part due to the bus gate to the south, distant road traffic on the nearby Inner Relief Road was also audible. The Environmental Protection Service (EPS) has confirmed that environmental noise is not regarded as a barrier to development on this site, and that it could be adequately mitigated by good acoustic design and a suitable scheme of sound insulation works, which can be secured by condition.

The proposed range of commercial units is unlikely to have a harmful impact on the amenities of proposed residents or the occupiers of neighbouring buildings subject to appropriate hours of use and controls on the playing of live music and amplified sound.

### 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 will make more efficient use of the land and deliver economic regeneration by creating jobs as part of the construction works, the on-going management of the facility and through future commercial uses. The applicant has confirmed that they are willing to support local employment initiatives as part of the development and a condition is proposed to secure an employment and training strategy.

The development is located within walking distance of the Central Shopping Area and close to a range of public transport options. The submission indicates that the building has been designed with a highly efficient thermal envelope to reduce primary energy requirements and that CO<sub>2</sub> emissions will be minimised through the use of mechanical ventilation heat recovery (MVHR) units in each apartment, which recycles waste heat. Any additional heating requirement will be provided by electric panel radiators.

These proposals are considered to comply with policies CS63 and CS64, but a condition is proposed to secure the generation of decentralised and renewable or low carbon energy as is required by policy CS65.

### Landscape

The building form creates a podium which provides an opportunity to create residential amenity space in the form of two generously sized first floor gardens accessible via steps from Nursery Street and Nursery Lane or from blocks A, B and C.

Footways surrounding the site will be resurfaced in an agreed palette of materials and a row of trees will be introduced along the Nursery Street frontage to enhance the setting of the building, create shade for potential commercial spill-out spaces and relate to the riverside park on the opposite side of the road.

### Highways

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

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

The proposed development incorporates a ground floor car park, split into 2 by the central core, with 42 parking spaces (including 2 accessible parking spaces with clearance zones on both sides) as well as cycle storage for 268 bikes (256 within an internal store plus 12 external spaces). The car park and cycle store occupy a little over half of the site footprint, with the remainder taken up by the two commercial units as well as ancillary living accommodation (e.g. a resident's lounge), plant rooms, bin stores and circulation space. It is accessed from Johnson Street and Joiner Street, from where servicing will also take place in newly formed service bays.

The level of parking provision is relatively low (almost 16%), but further provision would result in the loss of the active frontage to Nursery Street, which is not desirable. Because of the low provision, 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, occupants will be within walking distance of a range of facilities and public transport options and, 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.

The site is currently occupied by vacant but usable industrial/office buildings that could generate many vehicle movements, and a pay and display car park with approximately 25 spaces. While the development will generate trips such as taxis, home deliveries, servicing and refuse collections, vehicle movements to and around the site are unlikely to increase significantly and so it is considered that the impact of the development on the local highway network will not be substantial.

No alterations are proposed to the layout of the adjoining highway, however the resurfacing of all adjoining footways will be reserved by condition. A concern was raised that the footway to Nursery Lane falls short of the standard 2 metre width. However, it will be increased from approximately 0.8 metres to 1.2 metres and, as Nursery Lane is unlikely to become heavily trod – with emergency and some plant/store access only in this location – and no and no desire to move the building forward towards Nursery Street, the reduced footway width is considered to be acceptable in this instance.

In addition, the proposed development will require the Stopping Up (i.e. permanent closure) of the all-purpose Adopted Public Highway known as Johnson Lane, and also a small corner of the footway of the all-purpose Adopted Public Highway known as Nursery Lane, near its junction with Joiner Street, under Section 247 of the Town and Country Planning Act.

Johnson Lane is currently promoted as a cycle route and a small section of cycle path at the southern end of Johnson Lane, which is approached via the shared pedestrian/cycle route which runs over the adjoining bridge, will be removed as a result of the proposed development. It is considered that the impact of this on cyclists will be minimal as Johnson Lane leads only to Nursery Lane. Moreover, as the long term aspirations for promoting cycle routes along Nursery Street are not yet known, the existing pedestrian/cycle crossing on Nursery Street will remain as it may facilitate new connections in the future.

#### Land Quality

As a past industrial site it is possible that contamination may be present, with the most significant sources being potential asbestos containing materials from the demolition of historical buildings, heavy metals and hydrocarbons from historical activities, disused fuel tanks and PCBs from an electricity substation.

Following requests for further information, an amended version of the Phase 1 Ground Condition Report was submitted. EPS have since been able to confirm that it is unlikely that contamination issues will be a barrier to development, but further intrusive investigations will be required and are secured through condition.

#### Archaeology

The submitted desk-based assessment makes it clear that this area has the potential to contain buried archaeological evidence relating to the former orchard/nursery of Sheffield Castle and associated features, as well as the remains of development in this area of the city from the 18th century onwards.

Trial trenching is recommended as the first step and the South Yorkshire Archaeology Service have advised that this work should proceed on the part of the site that has already been cleared; with the results help inform our understanding of the archaeological potential of the whole site. A condition is proposed to secure the appropriate investigations and recording, including making a record of the standing buildings prior to any demolition.

#### Public Art

Policy BE12 encourages public art where it would be readily seen by the public and integral to the design of major developments. Initial discussions indicate that public art will be integrated into the building's ground floor frontage along Nursery Street. Full details will be secured by condition.

#### Community Infrastructure Levy (CIL)

The proposed development lies in residential zone 2 and does not attract a CIL charge.

#### Affordable Housing

The site lies within an area of the city centre with no affordable housing requirement.

#### SUMMARY AND RECOMMENDATION

The use of the site as apartments with active ground floor frontages complies with policy CS17 of the Core Strategy (City Centre Quarters) and the aims of the Wicker Riverside Action Plan. It will bring a large, strategic, riverside site back into use and help to meet the city's housing needs by providing high quality homes in a convenient and easily accessible location.

The site lies adjacent to the River Don, but flood risk concerns have been addressed through a range of mitigation measures including raising vulnerable uses above ground floor level. Subject to these measures, the Environment Agency raised no objections.



To the north of the site is the grade II listed New Testament Church of God, the grade II listed Aizlewoods Mill and the Kelham Island Conservation Area. It is considered that the proposed development, which comprises of 3 residential blocks above a ground floor podium, responds positively to the setting of the neighbouring heritage assets as well as the site's riverside location. Blocks B and C reach 12 storeys in height, but the reduced scale of block A (7 storeys) and its strong architectural references to the church create a positive relationship that it is considered will enhance the setting of both the listed buildings and the conservation area. To the rear, adjacent Nursery Lane, all three blocks respond appropriately to the narrow street width and the limited opportunity for height on neighbouring blocks by stepping down to 6 storeys.

It is considered, therefore, that the proposed development complies with the provisions of the UDP, the Core Strategy and the NPPF and it is recommended that Members grant planning permission subject to the proposed conditions.

Members are also requested to confirm that they:

- a. Raise no objection to the proposed Stopping Up of the areas of highway shown heavy black hatched and edged on the plan 18/04146/FUL\_Stopping\_Up, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected.
- b. Authorise Legal Services to take all necessary action on the matter under the relevant powers contained within Section 247 of the Town and Country Planning Act 1990.

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