
Case Number	19/02258/FUL (Formerly PP-07888657)
Application Type	Full Planning Application
Proposal	Erection of a 5/6/7 storey mixed use building comprising commercial units A1/A2/A3/B1 use at ground floor and 77 residential apartments with associated amenity space including cycle/bin store (Amended Description and Plans)
Location	Site Of Old Coroners Court Business Centre 14 - 38 Nursery Street Sheffield S3 8GG
Date Received	19/06/2019
Team	City Centre and East
Applicant/Agent	Urbana Town Planning
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:

- 500 Rev B - Proposed Site Plan
- 600 Rev B - Ground Floor
- 601 Rev B - First and Second Floor
- 602 Rev B - Third and Fourth floor
- 603 Rev B - Fifth and Sixth Floor
- 700 Rev C - Elevations (west and south)
- 701 Rev C - Elevations (north and east)
- 702 Rev C - Elevations (south east)
- 703 Rev C - Elevations (east courtyard and south courtyard)
- 704 Rev C - Elevations (west courtyard)
- 705 Rev C - Context Elevations
- 706 Rev C - Context Elevations

Reason: In order to define the permission.

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

3. 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.

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

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

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

5. 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.

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

7. Development shall not 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 controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

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

8. 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.

9. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. 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.

10. 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 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.

11. 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.

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

12. 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.

13. 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.

14. 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 interest of the amenities of the locality and occupiers of adjoining property

15. 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 .
 - b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
 - c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.
- 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.

16. Before the use of the development is commenced, Validation Testing of the sound insulation and/or 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 insulation and/or attenuation 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 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.

17. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented.

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.

18. 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.

19. 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 shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

20. All entrances shall provide level access and entrance doors shall have a minimum clear opening width of 1000mm

Reason: In order to provide equal access into the building

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.

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

22. 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.

23. 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.

24. 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.

25. Large scale details, including materials and finishes, at a minimum of 1:20; of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

glazing
windows reveals
brickwork detailing around windows and openings
brickwork panel detailing
shop fronts
entrance door fronting Wicker Lane
glazed lobby area
verges
parapets
soffit
vertical channels

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

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

26. 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.

Other Compliance Conditions

27. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

28. No customer shall be permitted to be on the commercial premises outside the following times: 0700 to 2300 hours Mondays to Saturdays and 0900 to 2300 hours on Sundays and Bank Holidays

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

29. 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 sufficient to demonstrate compliance with the recommendations of approved Blue Tree Acoustics Noise Assessment Report ref. 02351-110201 (25/04/2019), 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 interest of the amenities of the locality

30. Movement, sorting or removal of waste materials, recyclables or their containers in the open air and associated with the commercial premises 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.

31. 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.

Attention is Drawn to the Following Directives:

1. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

2. 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.

3. 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:
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - 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;
 - 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.
 - 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.commercial@sheffield.gov.uk.

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

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. 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.

6. 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.

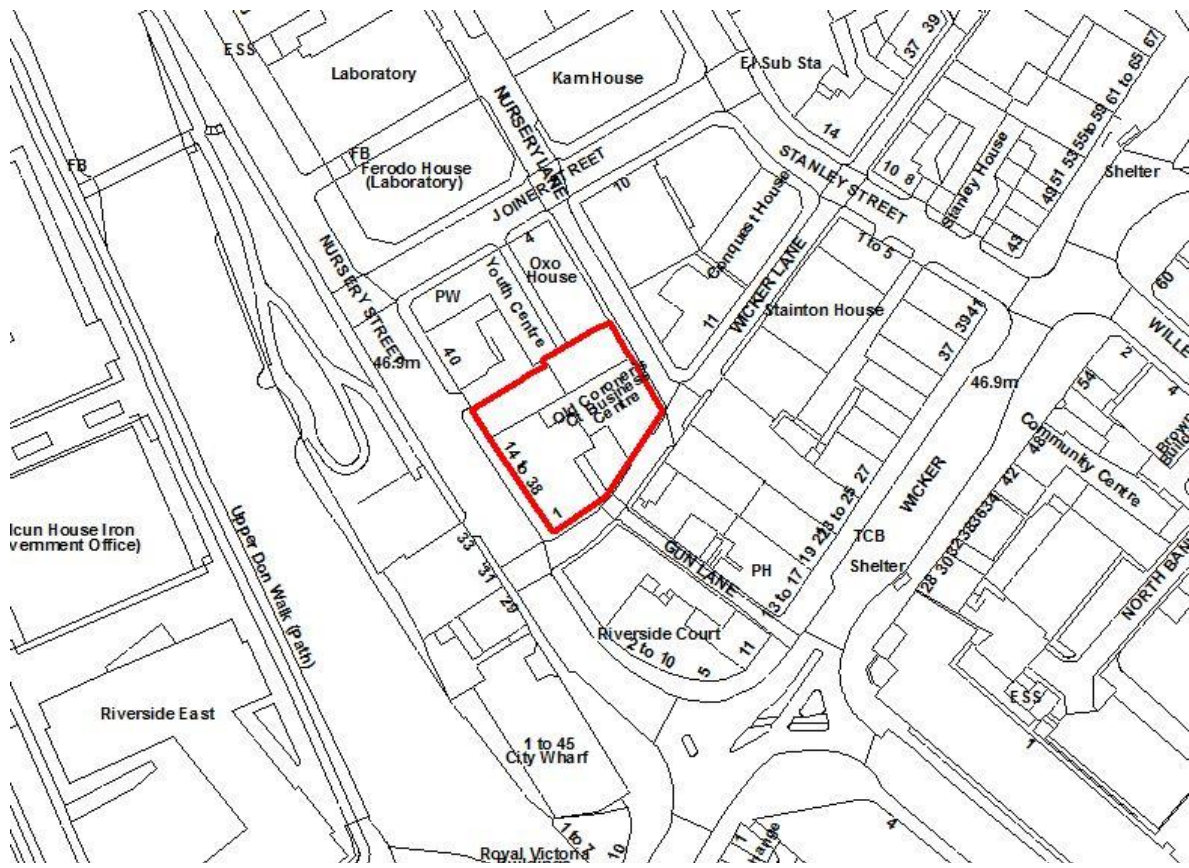
To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

Site Location



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LOCATION AND PROPOSAL

The application relates to a site which is bounded by Nursery Street, Nursery Lane and Wicker Lane and is currently occupied by The Old Coroners Court Business Centre, an attractive two-storey red brick and stone building.

To the north west of the application site, fronting Nursery Street, is a two storey red brick building occupied by a church group. Behind this, at the junction of Joiner Street and Nursery Lane, is a five storey Art Deco style building known as Oxo House, which has been converted into office accommodation.

To the north east, across Nursery Lane is a single-storey commercial building, while to the south east, on the opposite side of Wicker Lane is the rear of properties fronting The Wicker and associated parking.

A vacant two-storey building is sited on the opposite side of Nursery Street whilst a new build 5/6 storey block of flats is located at the junction with the Wicker. A pocket park and associated public footpath runs between Nursery Street and the River Don opposite and to the north west of the site.

The site is located within a General Industry Area as designated in the adopted Sheffield Unitary Development Plan.

A demolition prior notification for removal of the existing building was submitted earlier this year and it was confirmed that prior notification was not required. Permission is now sought for redevelopment of the site to form a 5 – 7 storey building with ground floor commercial units and residential apartments above.

RELEVANT PLANNING HISTORY

19/00988/DPN – demolition of Old Coroners Court building – Prior notification not required

18/02800/DPN – demolition of Old Coroners Court building – withdrawn

15/01657/OUT – mixed use development comprising ground floor A1/A2/A3/B1 use with 26 space car park and residential use comprising 42 apartments and erection of a 5/6 storey building with raised podium/landscaped courtyard at first floor level above proposed car park and retention of existing façade – granted conditionally

SUMMARY OF REPRESENTATIONS

Hallamshire Historic Buildings have objected to the proposal for the following reasons:

- The Old Coroners Court (1913) designed by City Architect FEP Edwards, was state-of the art, integrating coroners court, mortuary, post mortem rooms, viewing chapel, witnesses' waiting room etc.
- although changed over the years, it is attractive and retains historic value

- the Council identify it as a Significant Unlisted Building contributing to the character of the area and the boundary of the proposed Castlegate Conservation Area was deliberately drawn to include it
- retention of the building is favourable
- The Old Coroners Court forms one of a collection of unlisted significant buildings that contribute to the character of the area along with nearby listed buildings and distinctive new riverside development
- any replacement building should make a significant contribution to the character of the area, be distinctive and high quality
- the proposed development has little design development and is mundane
- the agent is critical of the councils failure to agree alternative proposals that would have retained the historic building
- any report to planning committee needs to address previous proposals which saw the retention of the building

Five letters of representation have been received; the comments raised are detailed below:

- this beautiful part of our heritage should not be destroyed; there must be an alternative way rather than knocking the building down
- the existing building is a beautiful example of architecture and a piece of Sheffield's history, to replace it with an ugly block of flats is an outrage
- the development might bring in money, but the cost to the city is more important
- should be ashamed to even consider this project
- would like to see Sheffield thrive over neighbours such as Leeds and Manchester, in order to do this and make the city great for tourists and investors, a mix of old and new buildings is needed
- there are so many other brownfield sites with unattractive buildings that could be used for this block of flats and would avoid demolishing a historic building
- existing building should be retained and reused, it could be used as a school, offices or sold to the university
- the council has already destroyed many old beautiful buildings and replaced them with eye sores which are now outdated
- the Coroners Court should be listed and protected for future generations
- reference is made in the planning statement to a design and access statement but this document is not available on the website
- the advert appeared in the telegraph on the 11th July but the official neighbour consultation is dated the 16th July, this could put people off commenting

PLANNING ASSESSMENT

National Planning Context

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The key goal is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

Land Use

The relevant local policy documents are the adopted Unitary Development Plan (UDP, 1998) and the Sheffield Development Framework (SDF) Core Strategy document (2008). The Core Strategy is more up to date, providing the overall spatial strategy for the period 2008 to 2026.

The site is located within a General Industry Area B (without special industries) in the adopted Sheffield Unitary Development Plan (1998). Policy IB5 of the UDP relates to development in such areas and advises that whilst Business (B1), General Industry (B2) and Warehousing (B8) uses are preferred, a range of other uses including small shops (A1), food and drink (A3) and leisure and recreation (D2) may also be considered acceptable. Housing (C3) is identified as an unacceptable use. However, there have been a number of predominantly residential developments approved and built around the application site and the vision for the area has dramatically changed since the UDP designation.

The Core Strategy contains policies supporting the changes that have occurred around the application site; actively encouraging new housing and discouraging the expansion of manufacturing and industry. These relevant policies include:

Policy CS6 'Manufacturing and the City Centre' (c) identifies the area as a transition area where manufacturing in the City Centre should be encouraged to relocate. This approach is continued in Policy CS17 'City Centre Quarters' where part (l) identified the Wicker/Riverside as 'a gateway location on the Inner Relief Road and key business area with new housing taking full advantage of the opportunities presented by the river'.

Policy CS22 of the Core Strategy sets out Sheffield's housing targets until 2026. The NPPF 2019 provides more up to date guidance on this matter and requires local authorities to identify a 5 year supply of specific 'deliverable' sites for housing. The Council is in the process of updating its 5-year housing land supply position and in light of the recently changed assessment regime (identified in the revised NPPF (2019) and associated Practice Guidance) further detailed work is required. The Council will therefore be undertaking additional work, including engagement with stakeholders, to reflect the requirements of national policy and guidance before publishing its conclusions in a monitoring report later this year (2019).

The Council cannot demonstrate a five year supply at this time and the Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites. The 77 apartments within this development will make a positive contribution towards the Council's housing land supply of deliverable sites, which is afforded appropriate weight as a material consideration in the determination of this application.

The proposal would make use of a sustainably located brownfield site, and make efficient use of land by delivering a high density of development (approximately 700 dwellings per hectare). The proposal therefore accords with CS24 and CS26 of the Core Strategy and the guidance contained in paragraph 117 and 122 of the NPPF.

Core Strategy policy CS41 'Creating Mixed Communities' seeks to create a broad range of household sizes and types. Typically the policy requires developments of over 60 units to have no more than half the homes as a single type. In this instance 77 units are proposed and 64 of them are one-bed apartments. As such the development does not technically comply with CS41. However, any conflict is outweighed by the fact that this scheme makes efficient use of a sustainably located brownfield site, aids regeneration of the area and will contribute the Council's 5 year supply of deliverable sites.

The inclusion of ground floor commercial units is welcome and will help achieve the vision for a mixed use area as set out in CS17. The units are all small in scale and so the sequential test does not need to be applied, it is considered that they will serve a local function and will not be harmful to the vitality or viability of nearby centres.

Flood Risk

Paragraph 155 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 of flooding, 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 site falls within flood zone 3a and has a high probability of flooding with a 1 in 100 or greater annual probability of river flooding. Table 2 of The Flood Risk and Coastal Change Planning Guidance sets out the vulnerability classification of different types of development. In accordance with these classifications the proposed development is for 'less vulnerable' uses at ground floor with 'more vulnerable' uses above. Table 3 of this document states that 'less vulnerable uses are acceptable in flood zone 3a whilst more vulnerable development will be permitted subject to the exception test being passed.

The applicant has submitted a sequential test in order to demonstrate that there are no sequentially preferable sites at lower risk of flooding. The search area for the sequential test has been limited to the Wicker/Riverside Area as set out in the Wicker/Riverside Action Plan. This is the same as the search area that was considered in relation to the previous application (15/01657/OUT) and is considered suitable. The Sequential Test concludes that there are no sequentially preferable sites, i.e. no other reasonably available sites in lower floor risk areas to which this development could be directed and this is accepted.

In accordance with paragraph 159 and 160 of the NPPF, if the sequential test is passed then the exception test should be applied. This must demonstrate that the development would provide wider sustainability benefits to the community that

outweigh the flood risk. Furthermore, it should show that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The proposal for ground floor commercial uses and 77 residential apartments above is acceptable in principle as detailed previously. The proposal will allow redevelopment of the site, providing new housing which will accord with the vision for the Wicker Riverside Area as described in the Wicker Riverside Action Plan as *'...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.'*

New flood defence walls have been constructed along Nursery Street and have been designed for a 1 in 100 year event plus a 400mm allowance for climate change to the year 2039. These will offer protection for the application site but may not protect against extreme events; this residual risk needs to be accommodated by the finished floor levels of the new development.

The Environment Agency have currently lodged an objection to the development on the basis that the Flood Risk Assessment did not specify a finished floor level for the proposed development. An amended Flood Risk Assessment has been submitted which now includes this information and the Environment Agency have been asked to comment further. A response has not yet been received and an update will be provided at committee. However it is worth noting that there is likely to be an achievable solution based on an appropriate finished floor level.

Subject to the removal of the Environment Agency's objection, the proposed development is considered to comply with the requirements of the NPPF and Core Strategy Policy CS67.

Design

Demolition of Existing Building

The Old Coroners Court is an attractive two-storey red brick building with horizontal stone banding and an attractive roofscape. The building is identified in the Urban Design Compendium as a significant unlisted building.

The previous approval saw retention of the existing building, however redevelopment of the site in accordance with this approval was not considered to be viable and has not been implemented. This permission is no longer extant.

During pre-application discussions the Local Authority expressed a strong desire for the existing building to be retained. A number of design options were put forward by the applicant with this aim, however they all involved the inclusion of a tall building to off-set the cost of retention. The Local Planning Authority were unable to support any of these options given the scale of the new build element and the impact of this on the character and appearance of both the retained building and surrounding area.

Consequently, a demolition prior notification application was submitted for the demolition of the existing building on site. Such an application allows Local Authorities to consider only the method of demolition and the way in which the site will be made safe following demolition. It was determined that these details were acceptable and given that there are no powers to consider any other matters, prior approval was deemed not to be required.

It is also noted that the building is not listed and does not fall within a conservation area and as such benefits from no formal protection.

In light of the above, the demolition of the existing building has been established in principle and so cannot reasonably be considered as a significant material consideration in respect to the current application.

Design of new Development

Paragraph 124 of the NPPF identifies that good design is a key aspect of sustainable development. Paragraph 127 then goes on to set out a series of requirements including that development should add to the quality of the area; have good architecture, layout and landscaping; be sympathetic to local character and history; establish a strong sense of place and create welcoming and distinctive environments.

UDP Policy BE5 'Building Design and Siting' and Core Strategy Policy CS74 'Design Principles' set out the design principles. Policy BE5 requires development to incorporate good design, the use of high quality materials and encourages original architecture. New buildings should complement the scale, form and architectural style of surrounding buildings and the design should take account of the natural and built features of the site.

Core Strategy Policy CS74 states that high quality development will be expected which respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods. It also states that development should contribute to place making and contribute to a healthy, safe and sustainable environment which promotes the city's transformation and helps to transform the character of physical environments that have become run down and are lacking in distinctiveness. Development should also enable all people to gain access safely and conveniently, providing, in particular for the needs of families, children, disabled and elderly people and should contribute towards creating attractive, sustainable and successful neighbourhoods.

Layout and Scale

The proposal is for built development facing all road frontages, set at the back edge of the footway, reflecting the building line and the predominant character of built form in the area. The development provides a central courtyard area which will provide amenity space for residents and includes a ground floor glazed lobby area linking to the outside amenity space.

Amendments have been received during the course of the application. The proposed development is now 7 storeys fronting Nursery Street, 6 storeys along Wicker Lane and 5 storeys to the rear on Nursery Lane. The height of the development on Nursery Street is greater than adjacent developments; however it is considered that the scale is appropriate in the context of the wide highway and adjacent river corridor and developments on the opposite side of the river. Furthermore, permission has been granted at 58 Nursery Street (18/04146/FUL) for the erection of two 12 storey blocks and one 7 storey block. The culmination of these developments will establish the vision of the Wicker Riverside Area as detailed in the Wicker Riverside Action Plan and aid the regeneration of the area.

The development steps down to Wicker Lane and Nursery Lane, the scale of the development to Nursery Lane is similar to the adjacent building. This is welcomed and will ensure the development does not appear overbearing to these narrow secondary lanes.

Design detailing

The proposed building comprises a large double height active ground floor frontage to Nursery Street and Nursery Lane. This is welcome and will enliven the street scene and vibrancy of the locality. The front elevation is arranged around four bays which flow upwards from the ground floor openings. Windows feature recessed brick work detailing to add visual interest and articulation to the elevation. The rear elevation is similar in appearance with double storey ground floor and brick work detailing around windows. The side elevation is simplified and features a transition to a lighter brick, high quality materials and detailing including deep reveals are key to ensuring a successful building and will be secured by condition.

The front and rear elevations are constructed from red brick, reflecting the predominant material in the locality. The side elevation is currently shown to be buff brick, this is also present elsewhere in the locality, albeit in lesser quantities.

The design approach is contemporary and subject to appropriate materials and detailing, which will be secured by condition, the scheme is considered to contribute positively to the character and appearance of the street scene.

The development is set away from the nearest listed buildings and conservation areas by a sufficient distance to ensure that it does not have any impact on these heritage assets.

It is considered that the proposal will make a positive addition to the area and contribute to the redevelopment of the wider Wicker Riverside Area. As such it is compliant with the listed policies

Residential Amenity

Policy IB9 'Conditions on Development in Industry and Business Areas' states that new development or change of use applications will be permitted provided that they would not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

The plans indicate that all residential accommodation will benefit from adequate light and outlook. The plans indicate the provision of an amenity area for residents within the central courtyard and this is welcomed. There is also easy access to the pocket park opposite.

The nearest residential properties are located to the south east in Riverside Court and to the south in City Wharf. Separation distances of approximately 21 metres and 24 metres will separate the new development from these residential properties, this is sufficient to ensure that there is not a harmful impact to the amenities of existing residents. Separation distances to other existing development is set by the street widths, this is considered acceptable and does not give rise to any harmful overlooking, overbearing or overshadowing of adjoining properties.

The proposed range of commercial units (A1/A2/A3/B1) will not have a harmful impact on the amenities of proposed residents or the occupiers of neighbouring building subject to appropriate hours of use and relevant conditions to control fume extraction and noise.

A noise report has been submitted in support of the application. This identifies noise from the surrounding roads and extraction fans and ducting from commercial premises fronting the Wicker as the main noise sources. The report details that in order to satisfy internal noise criteria, mitigation in the form of appropriate glazing and mechanical ventilation must be incorporated into the scheme.

The Environmental Protection Service have viewed the document and consider it to be satisfactory; a number of conditions are recommended in order to ensure that acceptable internal noise levels are achieved.

Based on the above the proposed scheme will provide future residents and surrounding uses with adequate amenity.

Sustainability

Core Strategy Policy CS64 'Climate Change, Resources and Sustainable Design of Development' expects all new buildings to be energy efficient and to use resources sustainably.

Core Strategy Policy CS65, relates to renewable energy and carbon reduction and requires that all significant developments should provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

The proposed development will make more efficient use of a brownfield site and help regenerate the local economy through the provision of commercial units and through more residents living in the local area.

The development is located in a sustainable location in the city centre, within walking distance of a range of amenities and close to excellent public transport links.

Information submitted in the Sustainability Statement expresses a commitment to a low carbon footprint through the use of low energy construction techniques and low energy technologies.

The proposal complies with the requirements of CS64 and CS65, a condition will be attached to secure the provision of decentralised and renewable or low carbon energy.

Highways

The NPPF states at paragraph 109 that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Paragraph 110 goes on to state that priority should be first given to pedestrian and cycle movements and second to facilitating access to high quality public transport.

IB9 (f) requires development to be adequately served by transport facilities and provide safe access to the highway network and appropriate off street parking. H5 – requires adequate off street parking for the people living there.

Policy CS23 – states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. The main focus will be on suitable and sustainable sites.

No parking is proposed as part of the development. The surrounding streets are within the Outer Parking Zone, this restricts on-street parking (except in marked out bays) between 08:00 – 20:30 hours Monday – Sunday. Given these restrictions it is unlikely that future residents would choose to own a car, any parking demand would need to be absorbed legitimately within car parks or paid for bays within the locality.

However the site is located within the city centre within walking distance of a range of facilities and amenities including educational and employment opportunities. The primary pedestrian routes surrounding the site benefit from well surfaced pavements, dropped kerbs and tactile paving.

The scheme is located in close proximity to a number of cycle routes and includes an internal cycle store that can accommodate 44 bikes.

The site is located in close proximity to a number of bus stops which offer access to high frequency bus services and a wide range of destinations. The nearest supertram stop is 600 metres away; this is considered to be within an acceptable walking distance and provides an alternative option for high frequency public transport.

The above demonstrates that the site is in a sustainable location and prioritises pedestrian and cycle movements, then public transport. The impact on the local highway network will be negligible. As such the development is in accordance with the NPPF and local policy.

Access

UDP Policy BE7 'Design of Buildings Used by the Public' expects that all buildings which are used by the public allow people with disabilities safe and easy access to the building and to appropriate parking spaces.

The plans indicate that level access will be provided into the commercial units and that doors will have a minimum effective clear width of 1000mm. A condition will be attached to ensure that the development includes these accessibility measures.

Finally, UDP Policy H7 'Mobility Housing' and the associated Supplementary Planning Guidance encourage the incorporation of 25% of homes within a new development to be built to the Mobility Housing Standard. However, in the absence of an up to date local policy, this can no longer be required following the findings of the Government's Housing Standards Review which were required to be implemented by all planning authorities from 1 October 2015.

Drainage

Core Strategy Policy CS67 'Flood Risk Management' seeks to ensure that all developments significantly limit surface water run-off and utilise sustainable drainage systems where feasible and practicable.

A drainage strategy is included in the Flood Risk Assessment. This considers sustainable drainage options in accordance with the drainage hierarchy. Ground infiltration is discounted as a result of the presence of deep made ground and impermeable clay and mudstone. Drainage to the nearest watercourse (The River Don, 40 m to the west) is also discounted as it would require crossing third party land. The strategy at present involves connecting to existing sewers using existing connections with a commitment to reduce surface water discharge rates by 30%.

The final strategy requires detailed consideration and approval which will be secured by condition.

Archaeology

UDP Policy BE22 relates to 'Archaeological Sites and Monuments' and states that these will be preserved, protected and enhanced. Where disturbance of an archaeological site is unavoidable, the development will be permitted only if (a) an adequate archaeological record of the site is made; and (b) where the site is found to be significant, the remains are preserved in their original position.

A Heritage Statement and Assessment of Archaeological Potential has been submitted in support of the application. This details that prior to the use of the site for the Old Coroners Court it was a mixture of domestic, retail and industrial buildings and before this was undeveloped until the early 1800s.

The development of the Old Coroners Court may have had a negative impact on any 19th century development. Further, records show that bomb damage in 1940 may have compromised the integrity and survival of any remains. Nonetheless, the report

recommends that a programme of archaeological investigations is carried out in order to assess the archaeological potential of the site.

Affordable Housing

Core Strategy Policy CS 40 'Affordable Housing' states that, in all parts of the city, new housing developments will be required to contribute towards the provision of affordable housing where practicable and financially viable. The Affordable Housing Interim Planning Guidance (IPG) was updated in 2014 and it should be read alongside Policy CS40.

IPG Guideline 2 identifies the site as being located within the "City Centre" Affordable Housing Market Area and there is no contribution required towards affordable housing provision.

CIL

The site is within Charging Zone 2 and therefore the charge that is levied upon this application is £0 per square metre.

RESPONSE TO REPRESENTATIONS

The points raised through representation have been addressed in the report.

SUMMARY AND RECOMMENDATION

The proposed redevelopment of the site for ground floor commercial uses with residential apartments above will help regenerate the Wicker Riverside Area and fulfil the vision of a mixed use neighbourhood. The site is in a highly sustainable location and redevelopment of brownfield land to meet housing land requirements is viewed positively.

The demolition of the Old Coroners Court building is regrettable but has already been established through a separate process. The scale, siting and quality of the proposal are considered to be acceptable and will sit comfortably in the context of new and proposed development.

Subject to resolution of the Environment Agency's objections the scheme is considered to comply with adopted local policies and the guidance provided in the NPPF and therefore it is recommended that planning permission is granted conditionally.

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