
Case Number	19/00037/FUL (Formerly PP-07482961)
Application Type	Full Planning Application
Proposal	Erection of 3 retail units (Class A1), 8 storage and distribution units (Class B8), 2 drive thru restaurants (Class A3/A5), 1 vehicle maintenance and repair unit (Class B2) and 2 substations including provision of car parking, junction improvements to Penistone Rd and Herries Rd, access onto Herries Rd/ Herries Rd South, servicing, landscaping, pedestrian access and associated on and off-site works (as amended)
Location	Land At Junction With Herries Road, Herries Road South And Penistone Road North Sheffield S6 1QA
Date Received	07/01/2019
Team	West and North
Applicant/Agent	DLP Planning 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:

Drawing nos.
13622-98 Rev A Site Location Plan
547-PRN 03 Tree Survey
547-PRN 04 Tree Constraints Plan
547-PRN 05 Tree Protection Plan
all published on 7.1.19

Drawing nos.
13622-99 Rev H Site As Existing (Survey)

13622-150 Rev J Proposed Site Plan
13622-151 Rev C Proposed Site Sections
13622-155 Rev D Proposed Retail Terrace GA Plan
13622-156 Rev D Proposed Retail Terrace Elevations
13622-157 Rev C Proposed Retail Terrace Roof Plan
13622-158 Rev B Proposed Unit 4 GA Plans & Elevations
13622-159 Rev C Proposed Unit 5 GA Plans
13622-160 Rev C Proposed Unit 5 Elevations
13622-161 Rev C Proposed Trade Units GA Plans
13622-162 Rev C Proposed Trade Units Roof Plan
13622-163 Rev C Proposed Trade Units Elevations 01
13622-164 Rev C Proposed Trade Units Elevations 02
13622-165 Rev C Proposed Unit 12 GA Plans & Elevations
13622-166 Rev D Proposed Unit 13A & 13B Plans
13622-167 Rev D Proposed Unit 13A & 13B Elevations
13622-168 Rev D Proposed Boundary Treatment Plan
13622-172 Rev C Proposed Streetscene Elevations
13622-173 Rev B Proposed Unit 3 GA Plans & Elevations
13622-174 Rev A Proposed Street Sections
13622-175 Rev A Proposed Detail Sections
V13622-L01 Rev D Proposed Landscape Masterplan
V13622-L02 Rev D Proposed Landscape Plan (1 of 2)
V13622-L03 Rev D Proposed Landscape Plan (2 of 2)
all published on 9.10.19

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 measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

4. No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all

distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

Reason: In the interests of protecting the biodiversity of the site. It is essential that this condition is complied with before any other works on site commence given that damage to existing habitats is irreversible.

5. The Landscape and Ecological Management Plan shall include the ecology mitigation measures described in Section 4 of the Preliminary Ecological Appraisal dated October 2018 prepared by Weddle Landscape Design, and Section 5 of the additional survey (ref:181139/Rev 1) dated 20.5.19 prepared by Whitcher Wildlife Ltd.

Reason: In the interests of biodiversity.

6. The proposed green wall(s) (vegetated wall system) shall be provided prior to the use of the building commencing. Full details of the green wall construction and specification, together with a maintenance schedule, shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

7. 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.

8. 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. If discharge to public sewer is proposed, the information shall include, the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event to allow for climate change. 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.

9. 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. 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.

10. 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.

11. 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.

12. No development shall commence until the improvements (which expression shall include traffic control and cycle safety measures) to the highways listed below have either;

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

Highway Improvements:

- (i) Alterations to site access arrangements for vehicles and pedestrians broadly in accordance with submitted drawing number SCP/18445/F13 (which will be subject to further detailed design), including the provision of pedestrian drop crossings and tactile paving to facilitate unhindered wheelchair mobility and (subject to a stage 2 road safety audit), will promote/prioritise cycle movements along the off-road cycle tracks;
- (ii) Promotion (as necessary) of a Traffic Regulation Order (loading/waiting restrictions in the vicinity of the development site) and provision of associated road markings and signage, all subject to the usual formal procedures;
- (iii) Provision (where possible) of a clear 4 metres wide shared footway/cycleway along the Penistone Road frontage (and associated signage/markings);
- (iv) Highway landscaping to the rear of the shared footway/cycleway along the Penistone Road frontage stretching as far as possible between Herries Road and Herries Road South;
- (v) Accommodation works to street furniture and Statutory Undertakers equipment, including street lighting columns, moving them to the new rear of shared footway/cycleway;
- (vi) Bus shelter upgrade/replacement to South Yorkshire Passenger Transport Executive specification on the Pensistone Road frontage with kerb upstand and tactile paving to assist boarding/alighting
- (vii) Retail Park direction signage on the local highway network.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

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

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

14. No development works shall commence until a 'construction management plan', which shall include details of the means of ingress and egress of vehicles engaged in the construction of the development and details of any site compound, contractor car parking, storage, welfare facilities and delivery/service vehicle loading/unloading areas has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

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

15. 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.

16. 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.

17. The Local Planning Authority shall be notified in writing upon completion of the green walls.

Reason: To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

18. Before each of the following structures are constructed on site, details of their external appearance shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the structures shall be provided in accordance with the approved details.

- (i) electricity sub-stations;
- (ii) refuse store enclosures;
- (iii) mechanical plant compound enclosure;
- (iv) finish colour of the fence enclosing the storage area to Unit 11;
- (v) external lighting;

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

19. Large scale details, including materials and finishes, at a minimum of 1:10 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

- (i) windows and window reveals;
- (ii) doors including level thresholds;
- (iii) eaves and verges;
- (iv) external wall construction;
- (vi) entrance canopies;

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

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

20. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

21. 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 inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of the site, shall have been submitted to and approved in writing by the Local Planning Authority and the buildings shall not be used unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

Reason: To ensure ease of access and facilities for disabled persons at all times.

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 in writing 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 it is essential for these works to have been carried out before the use commences.

23. The Local Planning Authority shall be notified in writing when the landscape works are completed.

Reason: To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

24. Before the use hereby permitted commences, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of light from the development on adjacent dwellings. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals documents GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light', and PLG05: 2014 'The Brightness of Illuminated Advertisements'. The development shall be carried out and thereafter retained in accordance with the approved details.

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

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

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

26. Neither commercial food uses hereby permitted shall commence unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall include:

- a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
- b) Acoustic emissions data for the system.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the system's required cleaning and maintenance schedule.

The use shall not commence until the approved equipment has been installed and is fully operational and shall thereafter be installed, operated, retained and maintained in accordance with the approved details.

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

27. 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.

28. Before the development is brought into use details of mitigation measures described in paragraph 6.2.5 of the Air Quality Assessment Report (Report no. 001 Version V0.1) dated January 2019 prepared by Wardell Armstrong including a green travel plan, the installation of low NO2 boilers and the installation of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved measures shall be provided before the development is brought into use.

Reason: In the interest of the amenities of the locality.

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

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

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

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

31. Prior to occupation of the development, or an alternative timeframe to be agreed in writing by the Local Planning Authority, a Detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Detailed Travel Plan shall include:

- (i) Clear & unambiguous objectives to influence a lifestyle that will be less dependent upon the private car.
- (ii) A package of measures to encourage and facilitate less car dependent living.
- (iii) A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule.
- (iv) Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority.

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

Prior to occupation of the development, or an alternative timeframe to be agreed in writing by the Local Planning Authority, evidence that all the measures included within the approved Detailed Travel Plan have been implemented or are committed shall have been submitted to and approved in writing by the Local Planning Authority.

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

32. Notwithstanding the submitted plans, prior to the development becoming occupied, suitable and sufficient short-stay and long-stay secure and sheltered bicycle/motorcycle parking accommodation (plus storage/changing/shower facilities) shall have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority (avoiding the use of 'butterfly' systems which have a tendency to buckle wheels). Thereafter, the bicycle/motorcycle parking shall be retained/maintained for the sole purpose intended.

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

33. 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.

34. Notwithstanding the submitted plans, before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, a revised car parking layout with amendments to improve circulation and the provision of electric charging spaces (to the minimum standards required by the Automated & Electric Vehicle Act 2018) shall have been submitted to and approved in writing by the Local Planning Authority. The car parking accommodation shall have been provided in accordance with the aforementioned approved details (along with internal direction signage advising motorists of the correct turning manoeuvres upon re-joining the public highway) prior to the development being brought into use. The car parking accommodation and signage shall thereafter be retained/maintained for the sole purpose intended.

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

35. Prior to occupation, all vehicle and pedestrian areas within the site shall have been surfaced, sealed and drained in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

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

36. Prior to the development commencing, arrangements shall have been entered into which enable the dedication of land required to accommodate capacity improvements at the junction of Herries Road South with the A61 (together with cycling infrastructure improvements) to the City Council from the land owner at no cost to the City Council, to occur if/when the highway improvement scheme is commenced. The land is identified in submitted drawing number SCP/18445/F15 Revision A.

Reason: In the interests of the future development of the area.

37. Notwithstanding the indication given on the submitted drawings, the details (including siting) of Unit 2 and Unit 3 are not hereby approved. No construction works (including foundations) shall commence on Unit 2 or Unit 3 until full details of the siting, design, external appearance and foundation design of Unit 2 and Unit 3 has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting the existing large diameter water main on the site.

Other Compliance Conditions

38. The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

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

39. Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

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

40. No buildings/structures shall be erected within 3 metres of the 30 inch diameter water main.

Reason: To ensure no obstruction and maintenance access.

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

Reason: To ensure satisfactory drainage arrangements.

42. No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage arrangements.

43. Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstandings shall be passed through a petrol/oil and grit interceptor/separator designed and constructed in accordance with details to be approved in writing by the Local Planning Authority.

Reason: Prevent pollution of the water environment.

44. All vehicle servicing, maintenance and repair associated with the use of the B2 unit shall be carried out within the building, as approved in writing by the Local Planning Authority. No such activities shall be carried out in the open air at any time.

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

45. Commercial deliveries to and collections from each of the units hereby permitted shall be carried out only between the hours of 0600 to 2300 on Mondays to Saturdays and between the hours of 0800 to 2200 on Sundays and Public Holidays.

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

46. No vehicular on-site movements of stock, goods, waste or other materials shall take place in the open air, and no use of audible alarms, or other warning systems shall take place at any of the units hereby permitted outside the hours of 0600 to 2300 on Mondays to Saturdays, or the hours of 0800 to 2200 on Sundays and Public Holidays.

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

47. No amplified sound or live music shall be played within the units hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outdoors at any time. Any external intercom units used for the purpose of communicating food orders, or otherwise, shall be operated in such a manner so as to remain inaudible at the nearest off-site noise sensitive receptor facade at all times.

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

48. 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.

49. No goods or materials shall be stored within the storage yard of Unit 11 above a height of 5 metres above ground level.

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

50. The development shall be carried out in accordance with the recommendations contained in Section 2 of the Flood Risk Assessment (ref:37834: Issue 1) dated 22.10.18 prepared by Eastwood and Partners.

Reason: In the interest of mitigating flood risk.

51. No doors/windows shall, when open, project over the adjoining footpaths within the development.

Reason: In the interests of pedestrian safety.

52. The cumulative total of gross floorspace of units on the application site whose use is primarily for retail purposes within Use Class A1 shall not exceed 3,199 sq metres, of which:

(i) the cumulative total of gross floorspace of units on the application site whose use is primarily for convenience food retail shall not exceed 1,899 sq metres;

(ii) Unit 1 as shown on the approved plans shall only be used primarily for convenience food retail purposes and shall not be used for any other use within Use Class A1;

(iii) Unit 2 and Unit 3 shall not be used primarily for convenience food retail purposes.

Reason: In the interests of the vitality and viability of nearby District and Local Shopping Centres.

53. None of the approved floorspace shall be occupied by any Class A1 retailer who at the date of such occupation, or within a period of 24 months immediately prior to occupation, occupies retail floorspace in their own unit in Hillsborough District Centre (delineated on plan number HDC1); unless a scheme which includes a legally binding obligation on the retailer committing them to retaining their presence as a retailer within Hillsborough District Centre with at least 75% of the level of floorspace, for a minimum period of 5 years following the date of their occupation of retail floorspace within the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to minimise the impact of the proposal on the vitality and viability of Hillsborough District Centre.

Attention is Drawn to the Following Directives:

1. 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.
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
No working on Sundays or Public Holidays
 - (ii) Prior consultation procedure (EPS & LPA) for extraordinary working hours 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.

3. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
4. For larger commercial kitchens or cooking types where odour and noise risk is higher, reference should be made to the updated guidance document; 'Control of odour and noise from commercial kitchen exhaust systems' (EMAQ; 05/09/2018). Appendix 2 of the document provides guidance on the information required to support a planning application for a commercial kitchen.
5. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact:

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

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

6. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

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

Mr J Burdett
Highways Development Management

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

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

7. 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

8. 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.

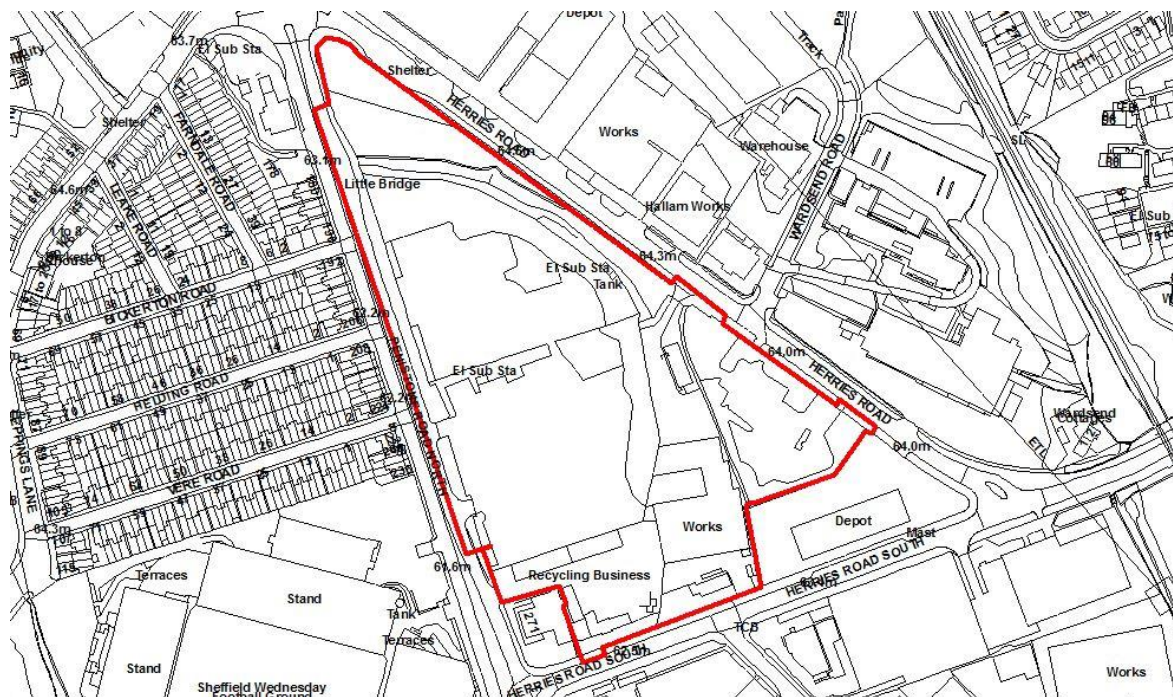
9. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

<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.

Site Location



© Crown copyright and database rights 2016 Ordnance Survey 10018816

LOCATION

The application site comprises approximately 4.9 hectares of land bounded in the main by Penistone Road, Herries Road and Herries Road South.

The majority of the application site comprises three large areas of open hard standings (two fronting Penistone Road, and one fronting Herries Road). The former buildings on this part of the site were demolished several years ago. The open hard standings have been used for occasional temporary uses including 'match day' car parking associated with the nearby stadium.

There is an area of trees to the north end of the site and a couple of rows of trees across and down the centre of the site.

The remaining part of the application site, towards the centre of the site and at its southern end, comprises buildings and their associated yards. Most of these buildings have been vacated, whilst one is occupied by a vehicle recovery business.

Excluded from the application site are the vehicle repair premises at the corner of Penistone Road/Herries Road South (currently vacant), and the timber yard on Herries Road South/Herries Road (occupied).

There are no significant gradients on the site.

A watercourse (part open, part in culvert) runs through the site from the northwest corner, across to the eastern side of the site, and is then piped southwards across the site and under Herries Road South.

The area of trees between this watercourse and Herries Road are subject to a tree preservation order.

There are residential properties opposite the site on the west side of Penistone Road including off Vere Road, Fielding Road, Bickerton Road, Farndale Road and Leake Road.

The remainder of the surrounding area is predominantly mixed industrial, with some commercial premises. Hillsborough Stadium is opposite the southwest corner of the site.

PROPOSAL

This application has been amended since its original submission. The amendments include adjusting the site layout to provide a wider landscape buffer at the northern end of the proposed car parking area, slightly repositioning the proposed access off Herries Road.

As amended the proposal seeks full planning permission for the demolition of the remaining buildings on the site, and to redevelop the site for a mixed use development comprising:

- 3 retail units (within use class A1);
- 8 storage and distribution units (within use class B8);
- 2 drive through restaurants (within use class A3/A5);
- 1 vehicle maintenance and repair unit (within use class B2);

It also includes:

- provision of car parking and servicing;
- junction improvements to Penistone Road and Herries Road;
- a new access onto Herries Road and Herries Road South;
- landscaping, pedestrian access and associated on and off site works.

The proposed buildings to be demolished total approximately 3,722 sqm of gross internal floorspace.

The proposal would provide a vehicle access for customers from each of the three road frontages into the development. These internal access roads would converge at a central roundabout on the site and give access to the various car parking areas and most of the servicing yards within the site.

An additional service yard access off Herries Road is also proposed.

The southern part of the site would accommodate the proposed B2 and B8 units and one of the A3/A5 units. The proposed A1 units and the other A3/A5 unit would be on the northern part of the site.

The proposed development would provide approximately 3,199 sqm of floorspace within use class A1, 8,660 sqm (use class B8), 343 sqm (use class A3/A5) and 409 sqm (use class B2).

Car parking for 287 cars including 26 accessibility spaces is proposed together with 34 cycle stands.

The main elevations of the proposed retail units would be faced in brickwork (a buff multi brick) with silver feature panels, glazed shop fronts and a green wall between units 2 and 3. The secondary elevations would be faced in pale blue/grey cladding panels. The units would have higher eaves at the front with a shallow sloping roof declining to the lower rear eaves.

The larger storage/distribution and vehicle maintenance units would have shallow hipped roofs. These and the proposed A3/A5 units would also have a similar palette of external finishes to the retail units, albeit in differing proportions, with standing seam cladding being the primary material.

The proposed hours of opening are:

- A1 use: 0800 to 2200 Monday to Saturday, 1000 to 1800 Sunday;
- A3 use: 0500 to 2300 Monday to Sunday;
- A5 use: not stated;

B2 use: 0830 to 1800 Monday to Friday, 0830 to 1700 Saturday, 1000 to 1600 Sunday;
B8 use: not stated.

The applicant has submitted various documents in support of the application including a Planning Statement (including a sequential assessment and a retail assessment), an Addendum Report to the Retail Impact Assessment, a Design and Access Statement, a Travel Plan, an Air Quality Assessment, Noise Impact Assessment, a Preliminary Ecological Appraisal, Tree Survey, Flood Risk Assessment, and a Phase 1 Geotechnical and Geo-environmental Site Investigation.

RELEVANT PLANNING HISTORY

The site was subject to several planning applications in the 1980s, the 1990s and one in 2003 for various combinations of development.

Five planning applications were refused during the 1980s:

- In 1986 two planning applications for a superstore, retail unit, petrol filling station and car parking (one full, one outline) were refused. Appeals against both these refusals were dismissed on the grounds of the harmful effect on the Hillsborough district centre (application nos. 86/0209P and 86/1405P refer).
- In 1988 outline planning permissions was refused for the erection of a food store, petrol filling station and associated parking areas for reasons of impact on the Hillsborough district centre and loss of a small woodland (application no. 88/2559P).
- In 1990 outline planning permission was allowed on appeal (with a condition restricting the sale of a range of comparison goods) for the erection of non-food retail store, fast food restaurant, tyre and exhaust centre, petrol filling station and associated parking areas. This planning application had earlier been refused by the Council in 1988 (application no. 88/2560P). No application for approval of reserved matters was submitted and this permission subsequently lapsed.
- Also in 1990 outline planning permission was allowed on appeal (again with a condition restricting the sale of a range of comparison goods) for erection of non-food retail unit, auto centre and fast food unit, petrol filling station and provision of car parking accommodation. This planning application had earlier been refused by the Council in 1989 for reasons of being contrary to the Council's interim policy on major out-of-centre retail development and loss of mature woodland (application no. 89/2090P refers). No application for approval of reserved matters was submitted and this permission subsequently lapsed.

In the 1990s three planning applications were approved:

- Firstly in 1991 outline planning permission was granted for erection of a petrol filling station, drive-in restaurant, motor showroom and buildings for classes B1, B2 and B8 uses (business, general industrial and storage and distribution) on the southern part of the open land fronting Penistone Road (application no. 91/0493P refers). This permission was later renewed in 1996 under application no. 94/1201P refers). No

application for approval of reserved matters was submitted and this permission subsequently lapsed.

- Also in 1991 full planning permission was granted for erection of petrol filling station and associated facilities on part of the open land fronting Penistone Road (application no. 91/1585P refers). This planning permission was not implemented and subsequently lapsed.

Two applications in the 1990s and one in 2003 were withdrawn prior to their determination:

- An application for the erection of a DIY store/garden centre, electrical store, drive through fast food restaurant and car wash and provision of car parking accommodation on the northern part of the open land fronting Penistone Road was withdrawn prior to determination in 1993 (application no. 93/0193P refers).

- An appeal against the non-determination of an outline planning application for erection of food retail unit and coffee shop (50,000 sq ft) with petrol filling station, car parking accommodation and landscaping works on the open land fronting Penistone Road was withdrawn in 1996 (application no. 94/0939P refers).

Finally, in 2003 an outline application for the erection of a retail store (class A1) and provision of car parking accommodation on the open land fronting Penistone Road and was withdrawn prior to its determination (application no. 03/01422/OUT refers).

SUMMARY OF REPRESENTATIONS

This application has been publicised by the display of site notices, newspaper advert, and by letters of notification to nearby properties.

Upper Don Walk Trust have commented:

- the Trust has an interest in creating a cycle and walking route segregated from traffic along the River Don between the city, Oughtibridge and towards Stocksbridge and are currently investigating improvements to Club Mill Road towards Herries Road close to its junction with Herries Road South;
- the development boundary along Herries Road would form a desire line for a missing link between Herries Road and Penistone Road North/Claywheels Lane;
- the Trust would welcome the developer incorporating measures that contribute to the development of this sustainable route, and cycle measures along Herries Road as part of mitigation of transport impact offering wider sustainable travel choices.

Cycle Sheffield welcome the regeneration of the area:

- opportunity to benefit the population through improved provision for walking and cycling required to help mitigate the extra traffic the development will generate;
- points below for inclusion in the planning conditions:

- ensure this development does not degrade the existing shared cycling and walking path along Penistone Road, the path should remain continuous, at least as wide as it currently is, and no extra street furniture/clutter should be added;
- upgrades to this walking and cycling facility should be delivered and funded as part of the development, the crossing over Herries Road South could be signalled and part of a network of segregated cycle paths;
- parking on the cycle/footpath is a problem on match day. As the land is used as fan parking, which will worsen if the development goes ahead, the development will need to include improved car parking restrictions for this area.

6 representations of objection including 1 representation from a local resident, and 5 from businesses have been received relating to the following matters:

The local resident states their property is on the main highway. During early morning and early evening rush hour they cannot park outside property and it's difficult to find parking on side roads so they try to park on pavement opposite. If planning permission is granted this option will no longer be possible, where will residents park? On match days upwards of 500 cars park on that land, where will these park? Will local residents be offered permits to park on that land or on side roads? Not opposed to a development, just concerned as to where we can park.

A local business states that they have a license to operate a mobile trading van on the pavement off Herries Road adjacent to the development which is their sole source of income, concerned that once the development is undertaken there will be no place to park.

Killultagh Estates Ltd Object:

- Killultagh Estates Ltd state they are the freeholder of the Hillsborough Exchange Shopping Centre within Hillsborough District Centre;
- since the Hillsborough Exchange Shopping Centre was developed in 1988 a lack of investment in the shopping centre has led to it becoming unsuited to modern retailer requirements and unattractive to customers, it is significantly in need of new investment to ensure its long term viability;
- the Shopping Centre benefits from a resolution to approve an outline planning permission which includes the provision of an additional 638 sqm of retail floorspace as well as 77 apartments, the development represents a total investment of approximately £10m;
- the applicant has failed to demonstrate that the proposed development will not result in a significant adverse impact upon the planned investment in Hillsborough District Centre, accordingly the application is in conflict with Policy CS14 of the Sheffield Core Strategy, Policies S4 and S5 of the Unitary Development Plan and paragraph 90 of the National Planning Policy Framework;
- regarding the policy status of the investment, the Shopping Centre is allocated as part of a District Centre (Core Strategy Policies CS34 and CS36, Policy S12 of the UDP), the planned investment represents consolidating development in Hillsborough

District Centre which is an objective supported by the development plan and a primary objective of national policy;

- regarding progress made towards securing the investment, planning permission has been granted for the redevelopment of the Shopping Centre, the Shopping Centre will be rejuvenated by the development and provide a new hub for residents, there is a clear objective to bring forward the development, that objective would be undermined with an associated loss of investor confidence if the current application were proposed to draw trade away from the Hillsborough District Centre towards a newly developed out-of-centre retail park;

- regarding the extent to which an application is likely to undermine planned investments, if the proposal is developed it will have a preventative and detrimental effect on the ability for Killultagh Estates to deliver the planned investment at the Shopping Centre, without this investment the future viability of the Shopping Centre will be thrown into question, particularly if retailers with a requirement to trade in Hillsborough are able to find purpose-built accommodation in an out-of-centre location, the application does not propose to limit the range of goods to be sold from the proposed units and therefore it will compete directly with the Shopping Centre and Hillsborough District Centre for trade as well as future tenants, most importantly the viability of the planned investment is marginal, the retail floorspace will not come forward until a commercial deal to deliver the social housing units is completed, the retail portion of the investment is underpinned by the delivery of the residential units, if the current application makes the planned investment unviable the social housing units will not be deliverable.

Karali Group object:

- Karali Group state they own a number of commercial premises in Sheffield District and elsewhere on Penistone Road particularly;

- the planning application does not accord with the development plan, there are no material considerations which indicate that a decision should not be made in accordance with the prevailing plan policies and therefore planning permission should be refused;

- long standing development plan policy commitment which identifies the application site for continued employment use while resisting a range of uses which are not considered acceptable;

- the Sheffield Unitary Development Plan (Policies IB6, IB9) allocates the site within an important fringe industry and business area, states that large shops would take up too much industrial land and undermine shopping policies and that they are best located in existing shopping centres, seeks to maintain dominance of industry and business uses;

- the Sheffield Core Strategy (Policies CS1, Key Diagram): the site is in an area allocated location for manufacturing, distribution/warehousing and other non-office business uses, CS1 states that land will be made available for office and industrial development principally in existing employment areas, sites will be released for alternative uses where industry or business would no longer be appropriate;

- the Sheffield Pre-Submission Draft City Policies and Sites identifies the site as part of a business and industrial area, part as a site allocation where preferred uses are B1(b) research and development, B1(c) light industrial or B8 warehouses/storage representing almost 50% of the planning application site area, Draft CPS Policy H1 states that preferred uses are to cover at least 70% of the area;
- contrary to the claims of the applicant that the scheme is B8 led, this range and extent of uses does not accord with existing Sheffield Unitary Development Plan policy IB6 or IB9 or Core Strategy Policy CS1, in particular the proposed retail units and the two proposed drive-thru units, these are non-preferred uses;
- it is not accepted that the development plan is out-of-date, the age of the development plan is irrelevant, the question is one of substance, both CS and UDP Policies are wholly consistent with the [National Planning Policy] Framework and the application must be determined in accordance with Policies IB6, IB9, CS1 unless there are material considerations which indicate otherwise, no such considerations have been promoted by the applicants and the planning application should be refused;
- proposals are contrary to key Framework guidance which identifies an economic objective as one of three overarching objectives that contribute to achieving sustainable development, the development plan's objective to ensure preferred uses are the main use of the site is consistent with this Framework guidance.
- the application fails to provide an appropriate range of mix of uses to a site identified primarily for industrial uses in both the existing and emerging development plan;
- the loss of an extensive area of land to predominantly non-employment class uses is contrary to development plan policies, the emerging development plan and Framework guidance.

Wm Morrison Supermarkets plc (Morrisons) object (3 documents received relating to planning, highway and turnover matters):

- conflict with the development plan and national policy as it proposes a significant amount of out-of-centre retail floorspace at a location outside the town that has the potential to have a significantly adverse impact on the vitality and viability of Hillsborough District Centre and will make planned redevelopment of the Hillsborough Exchange Shopping centre less likely to happen;
- Morrisons state that they trade from a store in the district centre of Hillsborough, the store effectively anchors the district centre generating footfall for the centre's other shops and services, the store and wider district centre are vulnerable to trade diversion from this and other out-of-centre proposals particularly as the Morrisons store is not trading at the high levels suggested by the applicant's retail impact assessment;
- the impact on Hillsborough district centre has the potential to be significantly adverse;
- the site is just over 1km from the edge of Hillsborough district centre, unlikely to generate linked trips to the town centre given the distance along a heavily trafficked route;

- the approach of paragraph 89 of the NPPF is supported by Policy CS14 of the Sheffield Core Strategy;
- question the applicant's reliance on the Sheffield and Rotherham Joint Retail and Leisure Study from 2017 based on a household survey of shopping patterns in 2016 whether it is still up to date in the light of ongoing change in shopping patterns;
- the Morrisons store is only achieving a company average turnover and there is no evidence of overtrading, this questions the validity of the applicant's Retail Impact Assessment, a new bespoke household survey should be carried out to properly understand the impacts of the proposal;
- the impact of the proposal would be to reduce the turnover of the Morrisons store to below company average with the resultant reduction in the number of shoppers making linked trips to other shops and services of Hillsborough District Centre;
- the proposal to develop new units at Penistone Road would make it less likely for the new development of the Hillsborough Exchange Shopping Centre to come forward as it will directly compete with Hillsborough Exchange for retail units;
- the site is within an area allocated for industry and business and allowing a significant quantum of retail development will reduce the city's supply of employment sites, contrary to the local development plan allocation for the site;
- significant flaws in the assessment result in significantly underestimating the effect of the proposal on the highway network, the applicant has not provided any evidence that the effect on the highway network would not be severe allowing the network to continue to operate in a safe manner;
- the proposed operation of existing and proposed access points to the development site has not been tested as part of the transport assessment, the operation of the internal mini roundabout has not been assessed and is likely to have an effect on the A61 which would be unacceptable;
- it is not clear whether the proposed car parking provision adheres to adopted parking standards, no quantitative assessment of the proposed parking provision to demonstrate it adequately meets the operational requirements and does not lead to indiscriminate parking on local streets, effect of removing match day parking without quantitative assessment;
- layout does not include provision for ultra-low emission vehicles, without charging facilities the site does not support local and national policies to encourage sustainable travel and meet clean air targets;
- the traffic survey data used is four years old and unrepresentative of current traffic conditions, use of traffic counts on a Thursday has not been qualified, the busiest retail weekday is Friday;
- there are some discrepancies in the trip rates, smaller format stores generating higher trip rates per sqm, omission of secondary trip generation related to the drive-thru unit, surveyed sites not compatible;
- omission of trip types related to commercial land uses;
- turning patterns are based on 2015 survey and not fully representative of current conditions, traffic counts should be undertaken, distribution of pass by traffic discrepancies;
- issues with trip generation, types, distribution and assignment result in junction impact assessments are flawed, results of junction impact assessments have not

been provided, the results of the AIMSUM modelling would result in further delay to the new smart route junction at Leppings Lane/Herries Road.

Stocksbridge Regeneration Company Ltd (SRCL) object:

- SRCL state they are the developer responsible for the Fox Valley retail, office, restaurant and leisure scheme, supporter of Sheffield's centres;
- the retail and centre use element of the scheme is contrary to the development plan policy allocation for the site, fundamentally the expectation is that this should be a location for employment, important that a balanced portfolio of sites to deliver 'B' class use is derived, the proposal undermines that objective;
- concerns about urban design not addressed, important gateway, site occupies a prominent location, where a step change in quality of the built environment is needed, difficult to see how the proposal could have responded less well, no meaningful attempt to address Penistone Road, presents an expanse of open car parking, the layout will only reinforce and perpetuate the existing weakness in the built environment in this part of Sheffield, no reason why this layout could not be re-arranged to bring buildings towards Penistone Road creating a more integrated feel;
- the retail catchment area would extend somewhat northwards in the corridor towards Stocksbridge and overlap the catchment of Fox Valley, it would not be truncated to the 5 minute drive time suggested in the application, would encompass areas beyond the main urban fringe as well as appealing to those who commute along this route, the sequential test should have considered potential sites within Stocksbridge;
- at least 2,573 sqm of accommodation could be provided on the current vacant plot at Fox Valley, this location is sequentially preferable, the application fails the sequential test, it should be refused;
- concern that the impact analysis is submitted on a solus basis without consideration of the cumulative effect of other development, the application cannot be determined other than in the context of an assessment which properly considers the cumulative effect on centres, the real impact on Hillsborough and other relevant trading locations will not be that expressed in the Planning and Retail Statement, the real impact will be greater and that needs to be understood for an informed decision to be made.

PLANNING ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Government's planning policies contained in the National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The NPPF states that the purpose of the planning system is to achieve sustainable development which means that the planning system has three overarching objectives: economic, social and environmental. So that sustainable development is

pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (NPPF paragraphs 7 to 10).

For decision taking this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: (i) the application of policies in this Framework that protect assets or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (NPPF paragraph 11).

Policy Issues

The relevant development plan for the site is the Sheffield Local Plan which includes the Sheffield Core Strategy and the saved policies and proposals map of the Sheffield Unitary Development Plan (UDP).

Sheffield Unitary Development Plan (UDP)

The UDP Proposals Map identifies the site as being mostly within a Fringe Industry and Business Area. The strip of land between the watercourse and Herries Road is identified as an Open Space Area.

The proposed built development does not encroach into the Open Space Area identified on the UDP Proposals Map.

UDP Policy IB6 relating to development in fringe industry and business areas states that uses for business (B1), general industrial (B2) and warehousing (B8 excluding open storage) are preferred uses and that food and drink outlets (A3 – since subdivided into the A3, A4 and A5 classes) and small shops (A1) are acceptable uses in principle.

The UDP defines small shops as usually with not more than 280 sqm sales area or which are ancillary to other acceptable uses in the Area.

For larger shops over 280 sqm sales area, UDP Policy IB6 states that these 'other shops' are unacceptable unless at the edge of the Central Shopping Area or a District or Local Shopping Centre.

UDP Policy also states that all new development must also comply with Policies IB8 to IB14 and S5 as appropriate. These policies are considered in the assessment of the industrial and retail issues below.

Industry and Business Policy

Core Strategy Policy CS2 states that priority for new business and industry will be given to previously developed land and locations where it would be accessible by public transport.

Core Strategy Policies CS5 promotes the manufacturing, distribution/warehousing and non-office business in, amongst other locations, the Upper Don Valley, whilst Policy CS10 states that industrial and business uses will be promoted in the Upper Don Valley.

Policy IB6 in respect of its guidance on 'other shops' (ie the larger shops over 280 sqm sales area) is not fully up to date and not fully reflective of the sequential and impact tests set out in the NPPF paragraphs 86 to 90 in relation to main town centre uses. Although Policy IB6 is a starting point for assessing this application, paragraphs 86 to 90 of the NPPF carry more weight.

UDP Policy IB8 seeks to protect specified industrial and business sites for their preferred uses. In this instance the application site is not a specified industrial and business site in the context of the UDP.

UDP Policy IB9 relates to conditions on development in industry and business areas and includes criterion (a) that new development or change of use will be permitted provided that it would not lead to a concentration of uses which would prejudice the dominance of industry and business in the area or cause the loss of important industrial sites. Whilst the proposal would result in the redevelopment of some of the existing industry and business uses on the site, the extent of the proposed new industry and business uses would ensure that these preferred uses maintain their dominance in this Fringe Industry and Business Area. As noted above the proposal does not involve loss of an important industrial site.

UDP Policy IB13 seeks to protect and provide open space in industry and business areas. The proposal does not encroach into the existing Open Space Area. The proposal also includes soft landscaping throughout the site.

UDP Policy IB14 requires an environmental buffer between industry and sensitive uses. The proposed layout locates the industry and business uses on the southern half of the site. There would be sufficient separation between the existing housing on the west side of Penistone Road and the nearest industrial units (Unit 13A and 13B - vehicle maintenance and repair) to ensure that the proposed uses would not significantly harm the living conditions of nearby residents.

The proposal is considered to comply with Core Strategy Policies CS5 and CS10, and UDP Policies IB8, IB9(a), and IB10 to IB14.

Retail Policy

UDP Policy IB6 states that these 'other shops' are unacceptable unless at the edge of the Central Shopping Area or a District or Local Shopping Centre.

UDP Policy S4 states that retail development will be promoted in the District Shopping Centres, and that food retail development will be promoted within District Shopping Centres and, where there are no suitable sites within such Centres, at their edges.

The proposed retail development is not within or at the edge of an existing District or Local Centre.

UDP Policy S5 relates to shop development outside the central shopping area and district centres.

The first part of UDP Policy S5 relates to edge of centre development. In this instance the proposal is not an edge of centre site.

The second part states that retail development other than within or at the edge of the Central Shopping Area or District Centres will be permitted if the proposed development is (a) of a small shop; or (b) in or at the edge of a local centre for appropriately sized foodstores and other facilities to serve the day-to-day needs of the local population; or (c) in a retail park subject to Policy S9, or (d) in Meadowhall subject to policy S8.

The current proposal does not satisfy items (a) to (d) of Policy S5 and is in conflict with this aspect as it represents a wholly new out-of-centre development which is not of small scale.

UDP Policies IB6 and Policy S5 are not fully up to date and not fully reflective of the sequential and impact tests set out in the NPPF paragraphs 86 to 90 as outlined below. Although Policy S5 is the starting point for assessing this application, paragraphs 86 to 90 of the NPPF carry more weight.

Core Strategy Policy CS34 states that District Centres will be encouraged in fulfilling their role of providing for everyday needs with a range of retail, leisure and community facilities appropriate in scale and function to the role of the centre. Core Strategy Policy CS36 states that Hillsborough District Centre will be maintained and supported at around its present size by consolidating development and by continuing environmental improvements and centre management.

The Government's planning policy guidance on retail development is contained in the NPPF. The NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption (NPPF paragraph 85).

The NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered (NPPF paragraph 86).

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored (NPPF paragraph 87).

In this instance, the application site is not within or at the edge of a town centre. The three proposed retail units (use class A1) and the two drive through restaurants (use class A3/A5) are main town centre uses.

The NPPF states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm of gross floorspace). The impact test should include (a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and (b) the impact of the proposal on town centre viability and vitality, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme) (NPPF paragraph 89).

NPPF (paragraph 90) states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

The applicant's Planning Statement submitted with this application includes a sequential assessment and a retail assessment.

Sequential Test

The proposal's main town centre uses comprise a discount food store (1,899 sqm), two units intended for comparison goods (557 sqm and 743 sqm), and two drive through restaurant units (176 sqm and 167 sqm).

The purpose of the sequential test is to ensure that the suitability of more central sites to accommodate the proposal have been considered. The area of search for sequentially preferable sites can be limited to the proposal's primary catchment area (where it would expect to draw 90% of its trade from). The applicant's retail assessment proposes that the proposed uses will have a 5 minute drive time catchment area. This includes the densely populated areas of Wisewood, Foxhill, Southey, Hillsborough and the corridors along Penistone Road towards the city centre and Halifax Road towards Chaucer. Whilst the comparison traders will draw some additional customers from further afield, a 10 minute drive time catchment is too large. For the sequential test purposes, Chapeltown, High Green and Stocksbridge town centre (including Fox Valley) are beyond the 10 minute drive time from the application site and are not considered to be within the primary catchment area of the proposed development.

A 5 minute drive-time catchment area is considered suitable for a discount food store and for the type of retailers that are likely to occupy the units alongside it. Shoppers will travel to the retail destination that is closest to them and a 5 minute drive-time catchment will avoid significant overlap with other catchments to existing destinations that are similar in size to this proposal (of which there are several in north and north-west Sheffield).

The potential of sequentially preferable sites elsewhere within the catchment area have been assessed.

Whilst there are some vacant units within the Hillsborough District Centre, none are of sufficient scale to be suitable for the retail element of the proposed development.

There are two sites within district centres to consider, namely the 'Hillsborough Exchange' site, and the 'Wordsworth Avenue/Buchanan Road' site in the Chaucer District Centre.

The 'Hillsborough Exchange' site (comprising the Hillsborough Shopping Arcade, the Wilko store and the site of the former Old Blue Ball public house) off Middlewood Road/Bradfield Road is within the Hillsborough District Centre. The site has, subject to the completion of a legal agreement, outline planning permission for partial demolition of the shopping centre and erection of five-storey building to provide additional ground floor commercial units (use classes A1 to A5) and up to 77 social housing apartments (application no. 18/03405/OUT). This site is in single ownership and could be developed within a reasonable period.

However the 'Hillsborough Exchange' site provides less floorspace and less car parking and could not physically accommodate the retail element of the proposed development. It would have halve the amount of car parking provision compared to that for the retail units proposed under 19/00037/FUL.

Whilst it is appropriate to consider flexibility in format and scale, and that the 'Hillsborough Exchange' site is in a highly accessible location, regard must be had to the business model and operational requirements of discount supermarkets which require a high proportion of sales to storage space and efficient movement of goods, and sufficient surface level car parking in this instance twice that which would be available at 'Hillsborough Exchange'. The 'Hillsborough Exchange' site would not provide the sufficient floorspace or levels of car parking and on balance it is considered that the proposed redevelopment of the Hillsborough Exchange shopping centre would not represent a suitable opportunity to provide the broad type of retail development proposed by approximate type, size and range of goods.

There are no opportunities for sites on the edge of the Hillsborough District Centre that would be available within a reasonable period and which would be suitable for accommodating the proposed retail development.

The 'Wordsworth Avenue/Buchanan Road' site which is available within the Chaucer District Centre. However it is considered that this site is too constrained in size and shape to accommodate the proposed development even if all of the required car parking was removed.

There are no available opportunities within the Malin Bridge and Halifax Road Local Centres or other local centres in the catchment area.

A planning application has been submitted on land at Parkers Yard off Stannington Road outside the Malin Bridge Local Centre for demolition of existing buildings and erection of a Class A1 retail foodstore including car parking, access, landscaping,

ball stop netting and supporting structures and sportsfield parking facility. This application is currently under consideration and has not yet been determined (application no. 18/02802/FUL refers). This is not in an in-centre location and is not large enough to accommodate the proposed retail development sought for the Penistone Road/Herries Road proposal.

In conclusion, there are no sequentially preferable sites and premises within the proposal's primary catchment. The application therefore passes the sequential test.

Impact Test

The proposed retail element of the developmental exceeds the default threshold of 2,500 sqm set out in paragraph 86 of the NPPF, so the applicant's retail assessment has assessed the impact of the proposal in accordance with the NPPF in terms of whether it is likely to have a significant adverse impact on one or more of the two considerations in paragraph 89. If the impact is likely to be significant adverse it should be refused.

The applicant's impact assessment assumed that 90% of the proposed retail turnover would be derived from within the 5 minute drive time catchment area with the remaining 10% from outside the catchment area with a total convenience turnover of Unit 1 anticipated to be £13.11m and a total comparison turnover of Units 2 and 3 anticipated to be £7.72m (at year 2023).

The applicant's impact assessment anticipates that trade will be principally drawn to the new convenience store from other foodstores in the catchment area such as the discount foodstores on Flora Street (Aldi) and the Local Centre on Halifax Road (containing a Lidl) and the larger foodstores at Morrisons in Hillsborough and Sainsburys at Claywheels Lane. Trade to the new comparison stores would be drawn from Hillsborough, Meadowhall, Stocksbridge and the City Centre.

The applicant has reviewed the level of trade diversion in their Retail Impact Assessment Addendum Report particularly the trade diversion from the Flora Street (Aldi) and Halifax Road (Lidl) discount stores.

The applicant's assessment is that the Halifax Road Lidl store is significantly overtrading and that at an assumed level of trade diversion of 40% it would continue to trade at or around its benchmark turnover. The existing Flora Street Aldi store is significantly overtrading and with an assumed moderate trade diversion of 15% would continue to overtrade.

It concludes that the impact on existing convenience and comparison floorspace will not be significantly adverse and that the relevant centres will continue to trade healthily against benchmark turnover figures and will remain vibrant and viable retail centres.

An independent review of the retail assessment has been undertaken on behalf of the local planning authority.

In relation to the first part of paragraph 89 of the NPPF, the review identifies the proposed redevelopment of part of the Hillsborough Exchange shopping centre as the most significant in-centre planned investment in the proposal's catchment area. Consideration has been given to the impact of unrestricted sale of non-food goods at the two proposed comparison goods units and potential competition they would create both for trade and future tenants with the Hillsborough Exchange shopping centre, and with Hillsborough District Centre as a whole. It is considered that with restrictive conditions on the proposal would prevent a significant adverse impact on existing, proposed and committed investment.

The restrictive conditions include a total cap on the Class A1 retail area of 3,199 sqm gross, a limit to convenience retailing to Unit 1 only, and a 'no poaching' condition which seeks to ensure that existing comparison goods retailers in Hillsborough District Centre retain a presence in the centre for at least five years.

In relation to the second consideration of paragraph 89 of the NPPF, the review has identified that, with the above conditions, the proposed retail development together with existing, committed and planned investment would have trade draw impacts on the following centres:

Hillsborough District Centre	6.4% (mostly from the Morrisons store and the other comparison goods stores in the district centre)
Chaucer District Centre	2.9% (mostly from the Asda store)
Halifax Road Local Centre	19.3% (mostly from the Lidl store)
Catch Bar Lane Local Centre	19.3% (mostly from the Asda store)
Southey Green Local Centre	8.4% (from the Co-op store)
Herries Road Local Centre	3.5% (from the Tesco Metro store)
Dykes Hall Road Local Centre	6.4% (from the Tesco Express store)
Malin Bridge Local Centre	2.1%

The remainder of the trade draw would be from out of centre stores including:

Kilner Way Retail Park	7.7% impact
Sainsburys store at Claywheels Lane	7.8% impact
Flora Street Aldi	5.7% impact

The main impacts are on the Halifax Road and the Catch Bar Lane Local Centres which is assessed to be just below the significant adverse impact threshold.

The highest monetary diversions are from:

Hillsborough District Centre	£10.50m
Halifax Road Local Centre	£3.48m
Kilner Way Retail Park	£2.90m
Claywheels Lane Sainsburys store	£2.72m

Halifax Road Local Centre is a healthy and attractive local centre with a low vacancy rate. The Lidl store is the largest of the units in the centre and there is a range of independent convenience and comparison shops. The impact on the vitality and

viability of the Halifax Road Local Centre is deemed to be acceptable because of the very good health of the centre and the likelihood that the Lidl store at Halifax Road will continue to trade satisfactorily despite bearing most of the impact.

The Catch Bar Lane/Middlewood Road Local Centre is the largest of the local centres in the catchment area. It is anchored by a small well established Asda store and contains many independent operators. It is a reasonably healthy centre with four vacant units (out of 67 units). The impact on the vitality and viability of the Catch Bar Lane/Middlewood Road is also considered to be acceptable in that the centre will continue to trade at levels that are only marginally below its benchmark.

Whilst these impacts on Halifax Road and the Catch Bar Lane/Middlewood Road Local Centres are assessed to be just below the significant adverse impact threshold they are of sufficient concern to warrant restrictive conditions on floorspace being imposed on the proposed development.

Hillsborough District Centre is characterised by the dominance of the Morrisons store at Hillsborough Barracks and the concentration of comparison goods retailers in the remaining part of the district centre. There is no major clustering of vacancies in Hillsborough District Centre and the proportion of vacancies (currently at 8.2%) has been consistently below the national average. It is a healthy district centre, well anchored by Morrisons and provides an appropriate range of comparison and other retail services expected of a district centre.

One of the representations of objection (from Peacock and Smith on behalf of Morrisons), which focuses primarily on the impact tests incorporated in paragraph 89 of the NPPF, seeks to suggest that the Morrisons store in Hillsborough District Centre '...does not over-trade and is in fact achieving a company average turnover'. If this is the case then the impact on Morrisons, and subsequently Hillsborough District Centre as a whole, will be greater than reported above. The Council's Joint Retail and Leisure Study (2017) ascribed circa £100m to Morrisons which is twice its benchmark turnover. The independent review does not believe that Morrisons is achieving twice its benchmark turnover but it is probably trading above company average. It is their perception that it performs better than some of the Morrisons stores that they have visited during the course of audits undertaken for other local authority clients in the West Midlands and the North-East.

Some discrepancy still exists, however, and it is believed to have been caused by the Joint Retail and Leisure Study (2017) ascribing £33.6m of the store's convenience turnover from a Morrisons at Penistone Road in Huddersfield. It is also explained by taking £6m from the area around Doncaster, Bawtry and Finningley which seems unlikely given the distance. If these are accounted for then the post impact turnover would be around the store's benchmark. This still cannot be considered to be a significant adverse impact.

The trade to the two proposed comparison goods units will be mainly drawn from the Kilner Way Retail Park (43%) and Hillsborough District Centre (36%). To mitigate this impact on the Hillsborough District Centre, a condition is recommended to control the amount of floorspace for the sale of comparison goods and through a no poaching clause.

Chaucer District Centre is establishing itself as a successful district centre with scope for expansion and is anchored by the Asda store. The impact on the Chaucer District Centre is not significantly adverse.

Whilst the undetermined planning application at Parkers Yard is within the catchment area of the Penistone Road/Herries Road/Herries Road South proposal, it is not an approved development and is not considered to be a committed scheme for the purposes of assessing cumulative impact.

For robustness, however, the independent review has assessed the cumulative impact including the application proposal (18/03405/OUT) at Parkers Yard on Stannington Road with a restriction on the comparison goods proposed on the Penistone Road site and the potential for a discount retailer within the Kilner Way approved scheme.

The review identifies this cumulative trade draw impacts on the following centres to be (with the conditions referenced above):

Hillsborough District Centre	9.0%
Chaucer District Centre	4.1%
Halifax Road Local Centre	27.0%
Catch Bar Lane Local Centre	27.1%
Southey Green Local Centre	11.7%
Herries Road Local Centre	5.4%
Dykes Hall Road Local Centre	9.0%
Malin Bridge Local Centre	2.9%

The remainder of the cumulative trade draw would be from out of centre stores including:

Kilner Way Retail Park	10.7% impact
Sainsburys store at Wadsley Bridge	11.0% impact
Flora Street Aldi	8.0% impact

The independent review considers the cumulative trade diversions are likely to result in adverse impacts on the overall vitality and viability of the Halifax Road and Catch Bar Lane/Middlewood Road Local Centres and on the overall vitality and viability of the Hillsborough District Centre. However, if the Penistone Road application is conditioned to restrict floorspace, the resulting cumulative impact will not breach the significant adverse threshold.

It is considered that subject to appropriate conditions the proposal would not significantly impact on existing, committed and planned investment in the centres in the catchment area, and the vitality and viability of existing district and local centres.

The proposal, subject to appropriate conditions, complies with Core Strategy Policies CS34 and CS36, and the Governments planning policy guidance contained in NPPF paragraphs 85 to 90.

Effect on the Amenities of Residents in the Locality

UDP Policy IB9 relating to conditions on development in industry and business areas also includes criteria (b) which seeks to ensure that new development or change of use will not cause residents to suffer from unacceptable living conditions.

NPPF (paragraph 180) which states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health includes (a) mitigating and reducing to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The proposed development is separated from the nearest residential properties by Penistone Road.

These houses would be mainly opposite the proposed customer car park serving the retail units. The retail buildings would be set back from this road frontage. One of the proposed A3/A5 drive-thru units would be sited opposite the row of houses at nos. 208 to 224 Penistone Road. The proposed access into and out of the site off Penistone Road would be opposite the row of houses at nos. 226 to 236 Penistone Road.

The boundary to the proposed development along this part of Penistone Road would comprise soft landscaping, intermittent trees and a low boundary wall.

The proposal would generate a significant amount of traffic accessing the site and vehicle movements within the car park which would create noise and disturbance from the manoeuvring of vehicles and at times from headlights.

A Noise Report has been submitted with this application. The report finds that the range of proposed uses will not have a significant noise impact on nearby noise sensitive receptors and that there is already a generally high level of daytime and early evening traffic noise and therefore a relatively low risk from most aspects of the proposed development.

It is considered that such noise and disturbance is unlikely to be so great as to cause significant harm to the living conditions of nearby residents. A condition would be required to prevent outdoor activities at the proposed vehicle servicing unit (Unit 13A). A condition to control daytime only servicing would, as a precautionary measure, also help mitigate noise impact.

There is potential for noise issues to arise if inappropriate practices are adopted during night-time hours for the A3/A5, B2 and B8 uses such as from reversing alarms, service bay warning systems or external intercoms. Appropriate conditions to mitigate such noise impacts would be beneficial to the living conditions of nearby residents.

It is considered that the proposal would not significantly harm the living conditions of nearby residents subject to the imposition of appropriate conditions.

The proposal is considered to comply with UDP Policy IB9(b).

Impact on the Character and Appearance of the Locality

UDP Policy IB9(c) relating to conditions on development in industry and business areas seeks to ensure that buildings are well designed and of a scale and nature appropriate to the site. UDP Policy BE5 and Core Strategy Policy CS74 seek good quality design.

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 developments acceptable to communities (NPPF paragraph 124). It also states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, establish and maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible ... (NPPF paragraph 127).

The application site is in a highly prominent location and on a gateway route into the city from the north and a connector route to the east. The site faces onto existing buildings of contrasting scale.

Four of the proposed buildings are sited close to the Penistone Road frontage to provide a positive frontage to the street. Similarly the larger units alongside Herries Road and Herries Road South are sited close to the site frontage. A 1 metre high brick wall and railings is proposed along the frontage to Penistone Road and between Units 13A and 13B and on part of the built frontages to Herries Road and Herries Road South. Conditions are recommended to secure appropriate quality in the detailing of the buildings, provision of public art and the landscaping of the site.

The proposed scale and massing of the proposed buildings and the contemporary approach to their design is acceptable and provides a legible form. The design approach, which emphasises the primary elevations and prominent corners of the buildings, is supported.

It is considered that the proposed development of this site would make a positive contribution to appearance of the locality and the streetscene. The proposal therefore complies with UDP Policies IB9(b) and BE5 and Core Strategy Policy CS74.

Sustainable Design

Core Strategy Policies CS63 to CS65 relating to responses to climate change seeks to reduce the impact of climate change through reducing the need to travel, supporting sustainable transport and sustainable design and development. Policy CS65(a) in particular states that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

A condition is recommended to ensure the development incorporates appropriate sustainability measures.

Highway and Transportation

UDP Policy IB9 relating to conditions on development in industry and business areas also includes matters of highway safety. It seeks to ensure that new development or change of use would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

Core Strategy Policy CS51 relating to the strategic priorities for transport include maximising accessibility, containing congestion levels and improving air quality and road safety. Core Strategy Policy CS53 relating to the management of demand for travel includes implementing travel plans for new developments to maximise the use of sustainable forms of travel and mitigate negative impacts of transport, particularly congestion and vehicle emissions.

Core Strategy Policy CS55 states that improvement and development of the cycle network will be given priority on strategic links, mainly to key employment locations particularly on, amongst other routes, through the Upper Don Valley with a network of links to neighbouring residential areas.

The NPPF (paragraphs 102 to 111) promotes sustainable transport. The NPPF also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF paragraph 109).

The site lies alongside the A61 Penistone Road which is a strategic route for vehicles on the road network.

Penistone Road and Herries Road are bus routes with bus stops alongside and opposite the site.

A shared pedestrian/cycle route currently runs alongside the Penistone Road frontage.

Traffic Modelling

This planning application has been supported by a full transport assessment undertaken by Fore Consulting Ltd, who had access to the Council owned micro-simulation model of the Upper Don Valley. The micro-simulation is a 'real-time' model which replicates the build-up and dissipation of traffic on the highway network throughout the day and during the peak periods. The peaks considered for the development were AM weekday 0800 to 0900 hrs, PM weekday 1700 to 1800 hrs, and Saturday Peak (no football taking place) 1200 to 1300 hrs.

The cordon for the modelling included the A61 junctions with Clay Wheels Lane, Leppings Lane/Herries Road, Herries Road South, Parkside Road and Beulah Road. The model also picked up the junction of Herries Road with Herries Road South, the three site accesses proposed, and the internal layout of the development site including the roundabout. Traffic surveys were undertaken during March 2019 and

the model was calibrated to reflect observed queue lengths and traffic flows for the current base conditions.

For the development as a whole, the AM peak hour primary trips are predicted to be 15 arriving, 13 departing, with the total two-way of 28 trips. The AM peak hour pass-by trips arriving are predicted to be 40, 30 departing and a total two-way of 70.

The PM peak hour primary trips arriving are predicted to be 18, 19 departing, total two-way 37. The PM peak hour pass-by trips arriving are predicted to be 73 arriving, 77 departing, total two-way 150.

The Saturday peak hour primary trips arriving are predicted to be 33, 31 departing, total two-way 64. The Saturday peak hour pass-by trips arriving are predicted to be 78, 77 departing, total two-way 155.

These arrivals and departures would be spread across the three new accesses. To give a sense of perspective, the two-way flow along the A61 near Herries Road South for the 2019 base conditions (before factoring to the year 2024 and adding development traffic) is 2513 vehicles in the AM peak hour, 2624 vehicles in the PM peak hour, and 2404 vehicles during the Saturday peak hour.

The micro-simulation model gives a visual display of traffic moving around on the network contained within the chosen cordon, where the build-up (queues) and dispersal of traffic at different junctions can be observed for different periods of the day.

For this proposed development, the biggest difference in the way the network behaves occurs not as a consequence of development trips, but when the existing base flows are grown from 2019 to the year 2024. When the 'primary' trips are then added to the 2024 flows, the additional queues on the approaches to most of the junctions modelled showed very little change. There are three approaches to junctions where average queue lengths would increase slightly though, which were at:

- Herries Road/Leppings Lane junction on the Herries Road east arm, weekday PM, an increase of 12 vehicles.
- Herries Road/Leppings Lane junction on the Herries Road east arm, Saturday Peak, an increase of 9 vehicles.
- A61/Herries Road South on the A61 south arm, weekday AM, an increase of 11 vehicles.

The model also gives an assessment of average journey times along selected routes:

- Travelling south along the A61 from Wardsend Road, past Clay Wheels Lane, past Herries Road, past Herries Road South to Broughton Road: AM peak hour 2019 base flows 4 mins 15 secs; factored to 2024 flows 7 mins 49 secs;

with the highway improvement works and development trips added to 2024 flows 6 mins 39 secs.

- Travelling in the opposite direction northbound along the A61 between the same points: PM peak hour 2019 base flows 4 mins 11 secs; factored to 2024 flows 5 mins 30 secs; with the highway improvement works and development trips added to the 2024 flows 5 mins 46 secs.

The pattern for journey times on other routes is broadly the similar, in that the largest increase is associated with shear growth in traffic from 2019 to 2024, rather than development trips.

The new junctions providing access to the site and the internal layout and roundabout all perform comfortably within capacity when subjected to the anticipated development trips. There are no highway objections to the proposed accesses for service vehicles. The impacts of this development have been extensively modelled and then scrutinised by highways officers from the different disciplines within the division, all of which demonstrates no material negative impacts on the local highway network should planning permission be granted.

Cycling

The Upper Don Valley cycle route (NCN627) passes, off-carriageway, across the A61 development site frontage. It runs from the City Centre, out along Clay Wheels Lane, through Oughtibridge, Wharnccliffe Side, Deepcar and Stocksbridge. Across the site frontage it is a shared pedestrian/cycle route varying in width between approximately 3 and 3.5 metres. This frontage currently has three vehicular accesses, with no planning restrictions on hours of use or intensity of use. The development proposal would close these accesses and create one new vehicular access allowing traffic to turn left in from the A61, and re-join turning left out. This access will be audited to afford cyclists and pedestrians the maximum priority, whilst not creating a false sense of safety.

It is considered that whilst the application site currently benefits from vehicular access directly to/from the A61 Penistone Road, in three locations, and there is a commercial requirement to gain an access from the A61, the proposed consolidation of the three accesses into one will derive immediate benefits to the pedestrian/cycle route. The detailed design of the proposed access will seek to maximise pedestrian/cycle priority, subject to road safety audits.

The existing shared pedestrian/cycle facility alongside Penistone Road will be widened to 4 metres over much of its length between Herries Road and Herries Road South. It will be resurfaced, and the lighting columns repositioned to the new rear of the route. The existing block paving that cars tend to park on (bouncing over the cycle route in the process) will be landscaped, incorporating a trip-rail, or similar. There currently is not the space available to provide a signalised crossing for pedestrians/cyclists at Herries Road South. For this reason it was not provided when the off-carriageway shared pedestrian/cycle route was constructed in 2015.

The vacant garage premises on the corner of Penistone Road and Herries Road South is outside the application site but within the ownership of the applicant, and is not currently available for re-development.

A preliminary highway design has been worked up that provides extra lanes at the A61 Penistone Road/Herries Road South junction to improve capacity, that provides a signalised crossing for pedestrians/cyclists, and also provides off-carriageway segregated cycle paths along the three sides of the development site. The applicant has agreed to accept a 'highway improvement line' which is indicated on the approved plans. When the garage site becomes available for re-development, it is intended that no built development will occur in front of the highway improvement line.

When the Council has secured funding to implement the scheme (which currently is not justified in planning terms on the back of the current proposed development) the land required to accommodate it will be dedicated to the Council at no cost to the Council (barring legal costs). A condition is recommended to secure this provision. None of the proposed constructed development would prevent delivery of the highway scheme although some of the car parking and landscaping would need rearranging.

Consideration has been given to provision of off-road cycle facilities along Herries Road, however owing to width constraints by the woodland at the northern end and the restricted width of the footway, combined with the bus lay-by, is not possible to provide a continuous link through to the A61 without loss of woodland. The proposed development does not encroach into the existing highway and a highway improvement line has been accepted by the developer to allow for future widening and delivery of an appropriate cycle route.

Parking

The proposed car parking provision within the development site accords with Council guidelines.

The proposed development will displace some existing parking that occurs on and alongside the site.

The proposed landscaping protected by trip-rails along Penistone Road will prevent indiscriminate parking along the strip adjacent to Penistone Road and the footpath/cycle route. There are existing parking restrictions along Herries Road and Herries Road South that seek to prevent such parking.

The loss and displacement of the occasional match day car parking that currently occurs on the site is likely to cause a ripple effect in terms of where on-street parking occurs. It is considered that if current on-street parking restrictions are observed, this displacement should not create significant issues. Vere Road, Fielding Road and Bickerton Road were left out of the Hillsborough Parking Permit scheme because, when consulted, the majority of residents wanted to be excluded from the scheme. The residents also delivered a similar verdict when offered a match-day permit parking scheme.

The Council's Highway Service has advised that the development delivers some immediate benefits, it does not worsen the existing situation, and it offers some protection for future improvements. There are no highway objections to the proposed development subject to the imposition of appropriate conditions.

The proposal complies with UDP Policies IB9(f) and Core Strategy Policies CS51, CS53 and CS55.

Air Quality

UDP policies include Policies GE22 and GE23 relating to pollution and air pollution which seek to ensure development is sited so as to prevent or minimise the effect of pollution on neighbouring land uses or the quality of the environment and people's appreciation of it. Core Strategy Policy CS66 promotes action to protect air quality.

NPPF paragraph 170 also seeks to prevent new and existing development from contributing to, being put at risk from, or being adversely affected by, unacceptable levels, amongst other matters, of air pollution.

The site is located within the Sheffield city-wide Air Quality Management Area for exceedances of nitrogen dioxide and particulate matter.

The applicant has undertaken an air quality assessment and has modelled the impact of the proposed development on annual mean levels of nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}) concentrations at various receptor locations around the site including alongside the existing residential dwellings on Penistone Road.

For the construction phase of the proposed development, the assessment highlights the risk of dust and recommends mitigation measures to reduce any potential impacts based on practice guidance including water suppression during demolition operations.

For the operational phase of the development, the assessment concludes that the development will result in concentrations of NO₂, PM₁₀ and PM_{2.5} remaining below the air quality objectives/target values. The impact of the development is predicted to be negligible (1% or less change) at all of the local receptors. The report recommends that mitigation measures could include utilisation of low NO₂ boilers, implementation of a green travel plan and provision of electric vehicle charging points

The air quality effects are therefore considered to be not significant. Condition is recommended to secure positive mitigation measures.

The proposal complies with Core Strategy Policy CS66 and UDP Policies GE22 and GE23.

Ecology

UDP Policy GE11 seeks to protect the natural environment and UDP Policy GE15 seeks to encourage and protect trees and woodland. UDP Policy GE17 seeks to protect and enhance streams and rivers.

The NPPF (paragraph 170) states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other measures, minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures.

The applicant's preliminary ecological appraisal notes that this is a brownfield site with foundation hardstanding of demolished industrial buildings covering much of the site, and that the north of the site is predominantly woodland and is traversed by a small watercourse.

The report states that the site has few opportunities for bats apart from limited foraging and commuting within the trees checked for the potential to support roosting bats and were considered to fall within the low or negligible risk categories. The site provides opportunities for a range of birds within the wooded area although no nests were recorded. There were no signs of recent activity by other protected species on the site. The report highlights the requirement for appropriate mitigation measures prior to and during construction work.

The proposal retains the wet woodland habitat along the stream and retains some of the adjacent mixed deciduous woodland to act as a buffer between the wet woodland and the proposed built development.

Whilst the proposal would result in the removal of several groups of trees on the site, the protected woodland belt towards the north and northeast boundaries of the site would be retained. The applicant's proposed landscaping scheme for the site provides some replacement planting between the retained woodland and the car parking areas and the rear of the proposed retail buildings. Conditions are recommended to mitigate the impact of the development during and post construction works.

The proposal complies with UDP Policies GE11, GE15 and GE17.

Land Quality

NPPF (paragraph 178) states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The applicant has submitted a Phase 1 geo-technical and geo-environmental desk study report for the site. The report identifies various past industrial uses on the site (including saw mill, cutlery works, coach building works, scrap yard, steel stockyard) and recommends that an intrusive site investigation is required.

The Council's Environmental Protection Service has advised that the submitted report is acceptable and that its recommendations are secured by conditions.

Conditions are recommended to secure the intrusive site investigation and appropriate remediation where required.

Flood Risk and Drainage Strategy

Core Strategy Policy CS67 relating to flood risk management seeks to reduce the extent and impact of flooding.

The NPPF (paragraphs 156 to 165) relating to planning and flood risk state that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere and sets out the principles for assessing the suitability of sites for development in relation to flood risk including the sequential and exception tests where appropriate.

The eastern part of the site lies within flood zone 1 where there is a low risk of flooding. The remaining part of the site lies within flood zone 2 where there is a medium risk of flooding.

As part of the site lies within flood zone 2 the applicant's flood risk assessment has considered the sequential test to the allocation of land suitable for development. The sequential test aims to steer new development to areas with a lower probability of flooding. If, following application of the sequential test, it is not possible for the development to be located in zones with a lower probability of flooding the exception test can be applied if appropriate.

In this instance there are no reasonably available sites appropriate for the proposed development in areas of lower risk of flooding. The proposed development is classed as a less vulnerable development which is compatible with flood zones 1, 2 and 3a.

The applicant's flood risk assessment report states that flood mitigation measures include raising floor levels in some areas by up to 500mm above existing ground level, raising pavement levels within the site where appropriate and having a flood warning system in place. Surface water discharge will be attenuated to the brownfield rate less 30% with provision for attenuation storage for events up to the 1 in 100 year plus climate change.

Yorkshire Water Services Ltd has advised that there is a large diameter water main running through the site which requires a 6 metre protective strip on either side of the centre line of the pipe to be kept free from development to allow future access to the pipeline. The proposed development shows a 3 metre protective strip to either side of the pipeline.

Yorkshire Water Services advised that, providing suitable protection measures are implemented, a 3 metre offset may be sufficient through most of the development due to its open nature. However they have concerns that two of the units are too close to the pipeline to allow for access for repair/maintenance and construction of foundations.

Further discussions between the applicant and Yorkshire Water have progressed in which the applicant has clarified that they intend to pile the building foundations and ground slabs either side of the water main with the nearest pile to the water main being 3 metres away and that any pile within 10 metres would be bored to reduce disturbance from vibration. Yorkshire Water have advised the applicant that they in principle have no issues with this approach subject to a series of trial holes excavating across the area first to prove beyond reasonable doubt that there will be no disturbance to the water main. Final confirmation of the acceptability of this approach from Yorkshire Water is awaited and a condition is recommended to allow for this.

Conditions are recommended to secure appropriate mitigation measures for flood risk and surface water discharge.

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is applicable to the major retail scheme element of this development.

In this instance there is a CIL charge of £60 per sq m of gross internal floorspace plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010.'

The funds generated through CIL will be used in connection with strategic infrastructure.

Sustainable Development

The proposed mixed use development includes uses within use classes A1, A3/A5, B2 and B8.

The proposed uses within use classes B2, B8 and A3/A5 accord with the development plan.

The proposed uses within use class A1 do not accord with UDP Policies IB6 and S5 of the development plan. However Policies IB6 and S5 are not fully up to date and not fully reflective of the sequential and impact tests set out in the NPPF paragraphs 86 to 90 as outlined below. Although Policies IB6 and S5 are the starting point for assessing this application, paragraphs 86 to 90 of the NPPF carry more weight.

The proposal would provide significant economic benefits derived from the creation of new business development and employment opportunities. The proposed retail development would have some adverse impact on existing businesses and district and local centres. The potential to improve and promote cycle facilities would derive social benefits. The regeneration of the site would improve the local townscape providing significant environmental benefits.

The woodland at the northern end of the site (subject to the tree preservation order) would continue to be protected. Conditions are recommended to mitigate any adverse impacts arising from the proposed development.

It is considered that there are no adverse effects that significantly outweigh the benefits of the proposed development.

SUMMARY

The UDP Proposals Map identifies the site as being mostly within a Fringe Industry and Business Area where the proposed general industrial (B2) and warehousing (B8 excluding open storage) are preferred uses and the Class A3/A5 are acceptable uses in principle.

The strip of land between the watercourse and Herries Road is identified as an Open Space Area. The proposed built development does not encroach into the Open Space Area.

Whilst the proposal would result in the redevelopment of some of the existing industry and business uses on the site, the extent of the proposed new industry and business uses would ensure that these preferred uses maintain their dominance in this Fringe Industry and Business Area.

The current proposal does not satisfy UDP Policies IB6 and S5 as it represents a wholly new out-of-centre retail development which is not small scale. However, Policies IB6 and S5 are not fully up to date and not fully reflective of the sequential and impact tests set out in the NPPF paragraphs 86 to 90. Although Policies IB6 and S5 are the starting point for assessing this application, as described above, paragraphs 86 to 90 of the NPPF carry more weight.

The NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Following assessment of sites and premises within the catchment area of the proposed retail development, including the Hillsborough and Chaucer District Centre and various local centres, it is concluded that there are no sequentially preferable sites and premises within the proposal's primary catchment. The application passes the sequential test.

The NPPF also states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, authorities should also require an impact assessment if the development is over 2,500 sqm of gross.

The applicant has submitted a retail impact assessment and a Retail Impact Assessment Addendum Report. An independent review of the retail assessment has also been undertaken on behalf of the local planning authority.

The applicant's impact assessment anticipates that trade will be principally drawn to the new convenience store from other foodstores in the catchment area such as the discount foodstores on Flora Street (Aldi) and the Local Centre on Halifax Road

(containing a Lidl) and the larger foodstores at Morrisons in Hillsborough and Sainsburys at Claywheels Lane. Trade to the new comparison stores would be drawn from Hillsborough, Meadowhall, Stocksbridge and the City Centre.

The applicant has reviewed the level of trade diversion in their Retail Impact Assessment Addendum Report particularly the trade diversion from the Flora Street (Aldi) and Halifax Road (Lidl) discount stores. It concludes that the impact on existing convenience and comparison floorspace will not be significantly adverse and that the relevant centres will continue to trade healthily against benchmark turnover figures and will remain vibrant and viable retail centres.

The findings of the review identifies the proposed redevelopment of part of the Hillsborough Exchange shopping centre as the most significant in-centre planned investment in the proposal's catchment area is the proposed redevelopment of part of the Hillsborough Exchange shopping centre. It is considered that with appropriate restrictive conditions on, the proposal would prevent a significant adverse impact on existing, proposed and committed investment.

The main impacts are on the Halifax Road and the Catch Bar Lane Local Centres which is assessed to be just below the significant adverse impact threshold.

The impact on the vitality and viability of the Halifax Road Local Centre is deemed to be just about acceptable because of the very good health of the centre and the likelihood that the Lidl store at Halifax Road will continue to trade satisfactory despite bearing most of the impact.

The impact on the vitality and viability of the Catch Bar Lane/Middlewood Road is also considered to be just about acceptable in that the centre will continue to trade at levels that are only marginally below its benchmark.

Whilst these impacts on Halifax Road and the Catch Bar Lane/Middlewood Road Local Centres are assessed to be just below the significant adverse impact threshold they are of sufficient concern to warrant restrictive conditions on floorspace being imposed on the proposed development.

Hillsborough District Centre is characterised by the dominance of the Morrisons store at Hillsborough Barracks and the concentration of comparison goods retailers in the remaining part of the district centre. The independent review suggests that the existing Morrisons store is probably trading above company average. The trade to the two proposed comparison goods units will be mainly drawn from the Kilner Way Retail Park (43%) and Hillsborough District Centre (36%). The condition to control the amount of floorspace for the sale of comparison goods and through a no poaching clause would mitigate the impact on the Hillsborough District Centre.

The independent review considers the cumulative trade diversions are likely to result in adverse impacts on the overall vitality and viability of the Halifax Road and Catch Bar Lane/Middlewood Road Local Centres and on the overall vitality and viability of the Hillsborough District Centre. However if the Penistone Road application is conditioned to restrict floorspace, the resulting cumulative impact will not breach the significant adverse threshold.

It is considered that subject to appropriate conditions the proposal would not significantly impact on existing, committed and planned investment in the centres in the catchment area, and the vitality and viability of existing district and local centres.

The proposed development is separated from the nearest residential properties by Penistone Road. It is considered that the proposal would not significantly harm the living conditions of nearby residents subject to the imposition of appropriate conditions.

The proposed scale and massing of the proposed buildings and the contemporary approach to their design is acceptable and provides a legible form. The design approach to emphasise the primary elevations and corners of the buildings is supported. It is considered that the proposed development of this site would make a positive contribution to appearance of the locality and the streetscene.

This planning application has been supported by a full transport assessment undertaken by Fore Consulting Ltd, who had access to the Council owned micro-simulation model of the Upper Don Valley. The impacts of this development have been extensively modelled and then scrutinised by highways officers from the different disciplines within the division, all of which demonstrates no material negative impacts on the local highway network should planning permission be granted.

Whilst the proposal would result in the removal of several groups of trees on the site, the main woodland belt towards the north and northeast boundaries of the site would be retained. The applicant's proposed landscaping scheme for the site provides some replacement planting between the retained woodland and the car parking areas and the rear of the proposed retail buildings. Conditions are recommended to mitigate the impact of the development during and post construction works.

Appropriate conditions are recommended to secure remediation of the site, sustainability measures, drainage and flood risk measures.

The proposed development complies with UDP Policies IB6, IB8, IB9, IB10 to IB14, GE11, GE15, GE17, GE22, GE23, Core Strategy Policies CS5, CS10, CS63 to CS66, CS67 and the Government's planning policy guidance contained in the NPPF.

RECOMMENDATION

It is recommended that planning permission is granted subject to conditions.