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Case Number	21/01828/FUL (Formerly PP-09747370)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of a seven-storey building, comprising 90 co-living units, central courtyard amenity space and associated ancillary amenity space including bike store and co-working space (Use Class Sui Generis) and ground floor commercial units (Use Class E)
Location	Aircraft & Commercial Tools Ltd Bowling Green Street Sheffield S3 8SU
Date Received	20/04/2021
Team	City Centre and East
Applicant/Agent	Urbana Town Planning
Recommendation	Grant Conditionally Subject to Legal Agreement

## **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:

918-CPA-XX-00-DR-A-0100 rev P3 (location plan) published 20.04.21  
918-CPA-XX-00-DR-A-0102 rev P2 (proposed site plan) published 20.04.21  
918-CPA-XX-00-DR-A-0200 rev P2 (level 00 plan) published 21.04.21  
918-CPA-XX-01-DR-A-0202 rev P2 (level 01 plan) published 21.04.21  
918-CPA-XX-02-DR-A-0203 rev P2 (level 02 plan) published 21.04.21  
918-CPA-XX-03-DR-A-0204 rev P2 (level 03 plan) published 21.04.21  
918-CPA-XX-04-DR-A-0205 rev P2 (level 04 plan) published 21.04.21  
918-CPA-XX-05-DR-A-0206 rev P2 (level 05 plan) published 21.04.21  
918-CPA-XX-06-DR-A-0207 rev P2 (level 06 plan) published 21.04.21  
918-CPA-XX-RF-DR-A-0208 rev P2 (roof plan) published 21.04.21

918-CPA-XX-ZZ-DR-A-0600 rev P2 (Ward Street elevation) published 21.04.21  
918-CPA-XX-ZZ-DR-A-0601 rev P2 (South Parade elevation) published 21.04.21  
918-CPA-XX-ZZ-DR-A-0602 rev P2 (Bowling Green Street elevation) published 21.04.21  
918-CPA-XX-ZZ-DR-A-0603 rev P2 (Ebenezer Sreet elevation) published 21.04.21

Reason: In order to define the permission.

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

3. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

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

4. No development shall commence until the actual or potential land contamination and ground gas contamination at the site have been investigated in an updated Phase 1 Preliminary Risk Assessment Report (which references site visit/walk-over, the design of intrusive investigations, a site plan identifying the soils sampling strategy, and which features are to be targeted on site, as well as a more detailed gas monitoring strategy) which shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

5. 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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

6. Any remediation works recommended in the 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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

7. No development shall commence (excluding the demolition of existing structures) until:
  - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In order to protect the health and safety of future occupiers and users of the site.

8. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:
  - a) been carried out; or
  - b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use.

Highways Improvements:

The reconstruction and upgrading of all footways directly adjoining the site's frontage to Bowling Green Street, South Parade and Ward Street in the Urban Design Compendium palette

Any other associated improvements to Ward Street, including to street lighting

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.

9. 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.

10. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

11. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

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

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

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

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

12. 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.

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

Ground floor shopfronts including exposed steel structure, perforated dark grey (artist) panels and main entrance details  
Typical upper floor window details including reveals  
Glazing details  
Roof details including standing seam panels  
Sinusoidal panels  
Weathered steel perforated panels  
Perforated silver/grey rainscreen (artist) panels  
Material fixing details  
Balustrading including perforated balustrade  
Signage  
External lighting

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

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

14. Full details of the internal courtyard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the development shall be undertaken in accordance with the approved details and the development shall not be occupied until the landscape works have been fully implemented.

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

15. Within 6 months of the commencement of development, 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.

16. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:

- a) Be based on the findings and recommendations of approved Acoustic Planning Report; Hoare Lee ref. 1012673 - Rev 02, dated 29/07/2021.
- b) Be capable of achieving the following noise levels:  
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);  
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);  
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);  
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

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

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

Reason: In order to protect the health and safety of future occupiers and

users of the site it is essential for these works to have been carried out before the use commences.

18. 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.

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

- a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
- b) Acoustic emissions data for the system.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the system's required cleaning and maintenance schedule.
- e) (Optional: Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building).

The approved equipment shall then be installed, operated, retained and maintained in accordance with the approved details.

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

20. 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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation 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.

21. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for

approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In order to protect the health and safety of future occupiers and users of the site.

22. The development shall not be brought into use unless all main pedestrian accesses into the residential and commercial portions of the building are level (or step free) and provide a minimum effective clear width opening of 1000mm, the full details of which shall first be submitted to and approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the approved access arrangements shall be retained for the lifetime of the development.

Reason: To ensure ease of access for all users.

23. The development shall operate in accordance with the approved Travel Plan (ref: P1607\_20210309 - Travel Plan, rev 1, published 21.04.21). On occupation, the approved Travel Plan shall be implemented, including the agreed reporting measures, subject to any variations approved in writing by the Local Planning Authority.

Reason: In the interests of delivering sustainable forms of transport.

24. The development shall not be occupied unless the separate residential and commercial bin stores, as shown on the approved drawings, have been provided and thereafter retained. At no time shall bins be stored in the public highway.

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

25. The development shall not be occupied unless the bicycle storage facilities, as shown on the approved drawings, have been provided and thereafter retained, the full details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of delivering sustainable forms of transport.

26. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any other associated changes to the public highway are implemented.

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

27. The development shall be undertaken in accordance with the following approved documents:



Sustainability statement (ref: DOC-2323850-20210414-Sustainability Statement-HC-Rev01\_00) published 21.04.21  
Energy strategy (ref: DOC-2323850-20210413-Energy Strategy-HC-Rev01\_00) published 21.04.21

The residential portion of the development shall not be occupied until a report has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures (heat pumps and PV panels) have been installed/incorporated prior to occupation.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change.

28. The non-residential portion of the development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is brought into use (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64

29. The Developer shall use reasonable endeavours to ensure that any identified end-user of any phase of the development shall, in collaboration with Talent Sheffield, produce a detailed Inclusive Employment and Development Plan, designed to maximise opportunities for both immediate and on-going employment from the operational phase of development. The plan shall be submitted to and approved in writing by the Local Planning Authority.

The Plan shall include detailed implementation arrangements, with provision to review and report back on progress achieved, via Talent Sheffield, to the Local Planning Authority. Thereafter the Plan shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic and social benefits for Sheffield from the operational phase of the proposed development.

30. Prior to the construction of any phase of the development commencing, a detailed Inclusive Employment and Development Plan for that phase, designed to maximise opportunities for employment and training from the construction phase of the development, shall have been developed collaboratively with Talent Sheffield and submitted to and approved in writing by the Local Planning Authority.

The Plan shall include a detailed Implementation Schedule, with provision to review and report back on progress achieved, via Talent Sheffield, to the

Local Planning Authority. Thereafter the Plan shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic and social benefits for Sheffield from the construction of the development.

31. The development hereby approved shall be undertaken in accordance with the recommendations and enhancement measures detailed in the following approved documents:

Preliminary Ecological Appraisal (PEA) (ref: UTP.BG.2021 by Estrada Ecology Ltd, dated 18/02/21)

Bat Activity Survey Report (ref: SQ-336 by Estrada Ecology Ltd, dated 15/09/21)

The development shall not be occupied unless the following ecological enhancement measures, as a minimum, have been undertaken:

2 x house sparrow 'terrace' type bird boxes installed

2 x swift boxes installed

2 x bat boxes installed

A Natural England protected species mitigation license obtained, informed by one further bat emergence survey (May-August)

Thereafter the enhancement measures shall be retained and maintained for the lifetime of the development.

Reason: In order to ensure the development has an acceptable impact on local biodiversity.

32. The use shall not commence until a report has been submitted to and approved in writing by the Local Planning Authority detailing all extra flood resistance and resilience measures included in the development to comply with the Environment Agency's standing advice. Thereafter such measures shall be retained and maintained for the lifetime of the development.

Reason: In order to mitigate against the risk of flooding.

33. The development shall be carried out in accordance with the approved Flood Risk Assessment and Sustainable Drainage Report, both prepared by Elliot Wood Partnership Ltd (refs: 2200501) published 21.04.21.

Reason: In the interest of satisfactory and sustainable drainage and mitigating flood risk.

#### **Other Compliance Conditions**

34. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2300 on Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

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

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

36. With the exception of residents of the development using designated co-working spaces, no customer shall be permitted to use the ground floor commercial premises outside the following times:

0700 to 2300 on any day

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

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

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

38. The residential units shall only be let as part of the wider co-living use hereby approved, and not let or sold off separately, unless a detailed building management plan (indicating how the communal living, working and social spaces will be maintained and made available for all residents of the scheme in perpetuity) has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of creating mixed communities in accordance with Core Strategy Policy CS41.

39. 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.

40. Notwithstanding the approved drawings, no window or door shall, when open, project over the adjoining footway, except when in use during an emergency or for limited servicing requirements.

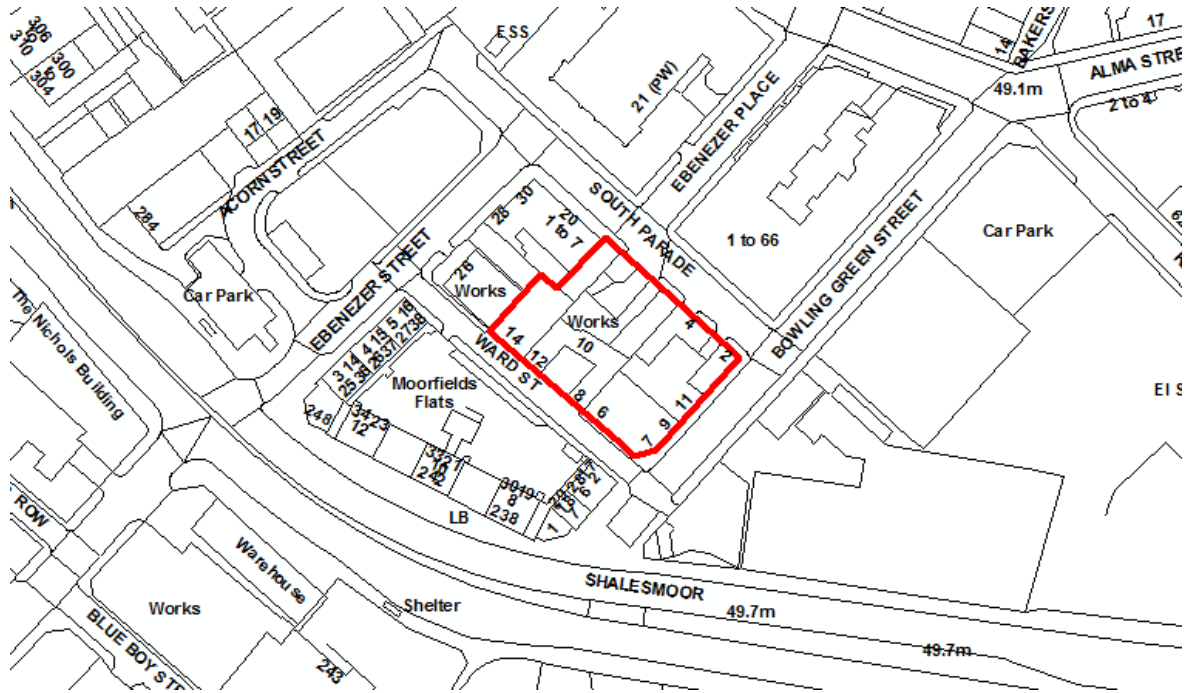
Reason: In the interests of pedestrian safety.

Attention is Drawn to the Following Directives:

1. All wild birds, their nests, eggs and young are protected under the Wildlife & Countryside Act 1981 during the nesting season (March 1st - August 31st). A nesting bird check is recommended prior to any works commencing.
2. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
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. You may need a Premises Licence under the Licensing Act 2003. You are advised to contact Sheffield City Council's Licensing Service for advice on Tel. (0114) 2734264 or by email at [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk).
6. The applicant is advised that 'Talent Sheffield' is a Sheffield City Council initiative delivered through the Invest Sheffield and Opportunity Sheffield teams, to ensure that investors and developers in the City receive the support required to meet the commitments in the Inclusive Employment and Development Plan and deliver the maximum possible benefits to Sheffield people and its communities.

7. You are advised that residential occupiers of the building should be informed in writing prior to occupation that:
- (a) limited/no car parking provision is available on site for occupiers of the building,
  - (b) resident's car parking permits will not be provided by the Council for any person living in the building for future parking permit schemes
8. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:
- Reference to permitted standard hours of working;  
0730 to 1800 Monday to Friday  
0800 to 1300 Saturday  
No working on Sundays or Public Holidays
  - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
  - A communications strategy for principal sensitive parties close to the site.
  - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for:
    - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
    - Vibration.
    - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
  - A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
  - A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
  - Details of site access & egress for construction traffic and deliveries.
  - A consideration of potential lighting impacts for any overnight security lighting.
- Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at [eps.commercial@sheffield.gov.uk](mailto:eps.commercial@sheffield.gov.uk).
9. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

# Site Location



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## LOCATION AND PROPOSAL

The application relates to a mix of traditional and modern former industrial buildings, occupying approx. 2/3rds of an urban block bounded by Bowling Green Street, South Parade and Ward Street, within the Kelham Island neighbourhood of the City Centre.

The application seeks planning permission for the demolition of the buildings and the erection of a 7-storey residential building with commercial space at ground floor and a central, covered courtyard.

The proposed use is as a co-living scheme (use class Sui Generis), which comprises 90 no. residential units with communal living and working amenity spaces. The residential portion of the building would be made up of:

- 64 no. studios
- 6 no. accessible studios
- 20 no. two-bed apartments

The proposed uses at ground floor would be within use class E (Commercial, Business and Service).

## RELEVANT PLANNING HISTORY

No relevant history.

## SUMMARY OF REPRESENTATIONS

Fourteen letters of objection have been received from neighbours, including the Kelham and Neepsend Neighbourhood Forum. In summary, the following issues have been raised:

- Lack of off-street parking
- Residents will own cars, not all can use public transport, parking should be provided for residents and the commercial uses, or the development scaled back
- Increase in traffic and noise disturbance
- Existing parking issues, putting pressure on existing parking, putting off visitors to Kelham and affecting the local economy
- The development is not in keeping with the historic surroundings, the scale and height at seven-stories is excessive, and should be level or lower than existing buildings
- Demolition of buildings in a Conservation Area and impact on Listed Buildings
- Impact on daylight to neighbouring flats and views
- Impact on privacy, with Cornwall Works heavily overlooked
- Decrease in property values
- Concerns regarding overlooking, safety and the maintenance of the boundary for the business at no. 26 Ebenezer Street.

- At odds with the Neighbourhood Plan by the Kelham Island and Neepsend Neighbourhood Forum, over provision of one-bed units and provision for a transient population, with the need for more family homes (i.e. three-bed)
- Need owner occupied homes
- Small internal space standards and lack of outdoor space
- Concern commercial units would sit empty
- Impact on air quality due to demolition and traffic
- Creation of wind tunnels
- Consideration of bin storage

An objection was also received from the City Ward councillors (Cllrs Johnson, Mersereau & Phipps), in summary raising the following concerns:

- Small living spaces, many of which are below national space standards
- Unspecified number of residents having to share limited communal facilities for cooking, working and laundry
- Lack of outdoor space/green space provision on site, exacerbated by very little open/green space being available nearby
- Loss of light for residents living nearby

One representation was received supporting the development but raising concern regarding parking and the need for measures to be taken.

One letter of support was received, in summary, on the grounds of the design, supporting economic growth as well as the housing need in this sustainable location.

The Conservation Advisory Group (CAG) submitted a representation, in summary stating that an eight-storey building would represent overdevelopment of the site and would adversely affect the setting of the Ebenezer Chapel and Sunday School. The mid-19th century white building at the corner of Bowling Green Street and South Parade was of a piece with the industrial character of Kelham Island and should be retained. In the event that the development did proceed, there should be a full archaeological survey of the site.

Historic England made the following comments:

- They do not consider the current approach to redevelopment preserves or enhances the heritage sensitivities of the application site and Kelham Island Industrial Conservation Area. They have serious concerns regarding this application on heritage grounds.
- They note that the proposal would result in the loss of Nos. 2-4 South Parade, which make a positive contribution to the special interest of the streetscape of the conservation area. Their loss would erode the distinctive character that makes Kelham such a unique and celebrated neighbourhood. These smaller works, such as Nos. 2-4 South Parade (which forms part of the application site), were interspersed with public houses, housing and chapels. Their differentiation from larger scale industrial works is a key part of how the conservation area should be read and forms an important part of



the significance of this designated area. The survival of these buildings today provides an increasingly rare glimpse into the daily lives of the 19th century industrial communities which once thrived within Kelham.

- The proposed new building is of substantially greater scale and massing than the established grain of development, including recent regeneration schemes, which characterise this area of Sheffield. They do not consider that the application site has the capacity to accommodate new development of the scale and massing proposed and it would introduce a cumbersome building of discordant proportions into a sensitive historical location. Such a building would unnecessarily dominate the existing historic street scene and erode an important part of the character and appearance of the conservation area. It is their view that the harm arising from the application is more acute given the proposed articulation of the two-storey rooftop element and the associated departure in materials palette from the main body of the new building which draws the eye, exacerbating the impact of the excessive scale.
- They consider that the proposed new development would also cause harm to the special interest of the grade II listed former Ebenezer Wesleyan Chapel and former chapel on Ebenezer Street through loss of context and harm to their settings.
- They consider that there are many heritage-sensitive design solutions that could be legitimately used in the development of this application site. They believe that any new building proposed should be of a more appropriate scale and massing. A high-quality design which responds positively to its immediate neighbours and which has special regard to the character and appearance of the conservation area could make a positive contribution to the ongoing regeneration of Kelham.
- They do not believe that the proposal has special regard to the desirability of preserving listed buildings or their setting or preserves or enhances the character or appearance of the conservation area, therefore resulting in harm to designated and non-designated heritage assets and they do not believe that clear and convincing justification in terms of public benefits has been provided and the development therefore conflicts with paragraphs 189, 194, 195, 197, 199, 200, 202, 203 and 207 of the NPPF.

## RESPONSE TO REPRESENTATIONS

Issues relating to impacts on massing, scale and design, conservation, daylight and privacy of neighbours, living conditions, the principle of the development type, air quality and parking and highways are addressed in the planning assessment below.

The impact on property value is not a material planning consideration.

The right to a specific view is not a material planning consideration.

In response to the specific queries raised by the business at no. 26 Ebenezer Street, it is confirmed that there would be no windows directly overlooking this site, the roof level walkway would not be open to the public and the maintenance of boundaries would be a private matter to be addressed between the affected parties.

The building is not of sufficient height to warrant a wind assessment.

Sufficient bin storage is considered to be provided in separate residential and commercial stores, and this would be subject to a condition, whilst servicing would be limited to appropriate times, as discussed below.

It is clearly not in the developer's interests for the commercial units to sit empty, and consideration is given to market forces in this regard. The commercial units would form a fundamental element to the co-living model, and there is no policy reason to resist this part of the scheme.

The impact of the proposals on designated and non-designated heritage assets is discussed in the main body of the report, as are the design, scale and massing of the new building. Whilst accepting that there is harm to heritage assets, this harm is considered against the public benefits that are derived from the development.

## PLANNING ASSESSMENT

### Planning Policy Context

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

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in July 2021 (the NPPF) is a material consideration (paras 2 and 218 of the NPPF).

Paragraph 219 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

In all cases the assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is referred to as the “tilted balance” and this assessment will have due regard to this.

### Principle

The site lies within a General Industry Area (Area B - without special industries), as designated by the UDP, where industrial and warehouse uses are preferred and should be dominant, as per UDP Policies IB5 and IB9(a).

However, this designation is no longer appropriate following the adoption of the Core Strategy. Core Strategy Policy CS6(b) identifies the area as a Transition Area, where manufacturing should be encouraged to relocate. This approach is also promoted in Policy CS17(j), which identifies the area as becoming a focus for new jobs. Policy CS4(d) promotes this location for office uses, particularly for financial, professional and legal services.

In addition, Policy CS27(a) promotes further expansion of City Centre living at Kelham and Neepsend, with a mix of tenures and sizes of unit, forming part of a mix of uses. It is noted that there is no affordable housing requirement in this area.

The proposal is for a co-living scheme with communal living and working amenity spaces throughout and commercial spaces at ground floor. While all units would be self-contained, the proposed scheme differs to traditional residential accommodation (use class C3) in the way the accommodation is managed, and with emphasis placed on living, working and socialising within the communal spaces provided on each floor, rather than within each private residential unit. The communal spaces would include a co-working area, a communal kitchen and dining area, lounge, laundry facilities and roof terrace.

There lacks a clear planning definition for co-living schemes, however, nationally and locally (see ref: 17/04517/FUL – Fitzwilliam Street/Moor Street) these are generally accepted as Sui Generis uses. In this case, as discussed above, the proposed scheme is considered to differ enough from a traditional C3 residential apartment scheme to warrant Sui Generis classification, in a similar way to purpose-built student accommodation (PBSA), which is also generally classed as a Sui Generis use. Whilst there would be nothing preventing some students occupying the development, it is noted that this is not a PBSA scheme, and would be available to young professionals and older occupiers who wish to downsize, for example, with an emphasis on residents using the building’s communal areas to live and work.

It is understood that the commercial ground floor space (retail units, workshops, a café etc) would be a fundamental part of how the building operates and would supplement the co-living communal spaces, as well as being open for use by the public. These units would provide active frontage to the street and open out into the communal internal courtyard space. This is welcome, as it would provide active frontage, opening the building up to the public and linking the development to the wider community, providing additional amenities for existing residents in the neighbourhood. Therefore, the classification of the commercial spaces as use class E is considered appropriate, rather than being part of the wider Sui Generis use.

The Kelham Island and Neepsend neighbourhoods continue to transition towards being more residential in character, with the site in very close proximity to a number of other residential buildings. The proposal would assist the aims of Policy CS27(a) by providing residential accommodation as part of a mixed-use, co-living scheme, with 70 no. studios and 20 no. two-bed units.

Core Strategy Policy CS26(a) states that at least 70 dwellings per hectare would be an appropriate density range for new housing development within or near to the City Centre. The proposal would be well in excess of this, making very effective use of this well connected, sustainable location.

Core Strategy Policy CS41(a) promotes mixed communities by requiring housing for a broad range of smaller households in the City Centre where no more than half the new homes in larger developments should consist of a single house type. While the proposal would provide for smaller households, it is acknowledged that over half of the units would be studios in this case. However, co-living is a relatively new residential concept, with no other examples in the neighbourhood. Whilst a greater mix, including family apartments, would be preferable, it is not considered reasonable to resist the scheme on a site-specific basis, as overall it would add variety to the tenures/unit sizes of the housing market in this location.

Given that weight has been attributed to the fact that this is a co-living scheme in the assessment against Policy CS41(a), a condition would prevent the individual residential units being let or sold off separately as standard C3 apartments.

Co-living schemes are not listed as a form of shared housing that should be limited to a 20% density within a 200m radius by Core Strategy Policy CS41(d). Given the proposal would add some variety to the area, as discussed above, and given the fact that all units are self-contained, CS41(d) is not considered to be relevant. In any case the density of shared housing in this area is only approximately 3%.

The amount of commercial space (use class E) at ground floor would not necessarily assist the Core Strategy policy requirements of CS4(d) and CS6(b) to provide for manufacturing or office uses in this area. Whilst use class E could include office, light industrial or research and development uses, for example, it is acknowledged that this is not guaranteed and may be unlikely in such ground floor units, where more public facing uses would likely be attracted, and therefore the proposal would not make a strategic contribution to the aims of Policies CS4(d) and CS6(b).

Given the impact of the global pandemic and the rise in home working, the long-term demand for office space remains unclear. It would therefore be unreasonable to resist an otherwise viable and appropriate regeneration scheme on this basis, especially as the proposal in question would actively provide co-working spaces for residents. There is no guarantee that a strategically preferable scheme with appropriate office space would come forward in the foreseeable future for the site or within the wider area generally to fulfil these Core Strategy policy aims for this location.

It is therefore not considered that the requirements of Policies CS4(d) and CS6(b) are reasonable grounds to resist the proposal. It should be noted that the proposed ground floor uses could still contribute some preferred offices uses, and if not, the proposal would still assist the aims of Policy CS17(j) by providing new jobs in this area.

Given Sheffield cannot demonstrate a 5-year housing supply, the “tilted balance” applies, as discussed above, and significant weight is attributed to a scheme that would make a substantial contribution (90 no. units) to the city’s housing supply.

The proposal would assist the requirements of the NPPF Section 5 which seeks to deliver a sufficient supply of homes. By utilising brownfield land for housing in a sustainable, inner-city location, the proposal would accord with the requirements of the NPPF para. 120 which requires decisions to (a) encourage multiple benefits from urban land including through mixed use schemes and (c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. The proposal would also assist the economic aims of the NPPF, particularly para. 81 which requires decisions to help create the conditions in which businesses can invest, expand and adapt, with significant weight placed on the need to support economic growth and productivity.

In summary it is considered that the proposed development complies with relevant land use policies.

#### Design and conservation

UDP Policy BE5 ‘Building Design and Siting’ and Core Strategy Policy CS74 ‘Design Principles’ set out the design principles for new developments. Policy BE5 requires development to incorporate good design, the use of high quality materials and encourages original architecture. Core Strategy Policy CS74 states that high quality development will be expected which respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods.

Paragraph 126 of the NPPF states ‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development’.

Paragraph 130 then goes on to set out a series of requirements including that development should add to the quality of the area; have good architecture, layout

and landscaping; be sympathetic to local character and history; establish a strong sense of place and create welcoming and distinctive environments.

The key principles contained within the local design policies relate to providing developments that are high quality, well designed, distinctive and sympathetic to local character. These principles align closely with national policies and can be afforded significant weight.

Approximately half of the site (the buildings fronting South Parade) lies within the Kelham Island Conservation Area, and comprises traditional, two-storey, industrial terraced buildings at nos. 2-4 South Parade. The portion of the site fronting Ward Street is not of architectural merit as it is formed of modern industrial premises.

The site is adjacent to a number of character buildings, including the Grade II Listed Ebenezer Church to the north and Moorfields Flats to the south, which is a character building as identified in the Urban Design Compendium.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 says that Local Planning Authorities shall have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The local and national planning policies reflect these statutory duties.

Policies BE15, BE16 and BE19 state that buildings and areas of historic interest (listed buildings and conservation areas) will be preserved or enhanced and developments that harm the character and appearance will not be permitted.

Chapter 16 of the National Planning Policy Framework 2019 (NPPF) Conserving and Enhancing the Historic Environment states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance (paragraph 189).

Paragraph 194 advises that, in determining applications, local planning authorities should require an applicant to describe the significance of an affected asset, including any contribution made by their setting, at a level proportionate to the assets' importance.

Paragraph 195 requires local planning authorities to identify and assess the significance of a heritage asset that may be affected by a proposal and to minimise the conflict between the conservation of the asset and impact of the proposals. Paragraph 197 requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 199 states that great weight should be given to the heritage asset's conservation (and the more important the asset, the greater the weight should be).

This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to the significance of a designated heritage asset needs clear and convincing justification. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

It is considered that the principles of the local and national policies in relation to the conservation of heritage assets are closely aligned. However, the NPPF provides greater detail on how to assess and consider impact, including introducing the principles of 'substantial harm and less than substantial harm'.

The submitted Heritage Statement identified that the features of note within the Conservation Area are the large scale, industrial buildings interspersed with smaller units, sometimes arranged around courtyards. The overriding materials of the historic buildings are red brick with local sandstone detailing and slate roofs. The presence of the river gives distinct views and vistas.

The proposal would involve the demolition of the existing low-rise buildings, including nos. 2-4 South Parade, and the erection of a seven-storey building.

The proposed development would comprise a five-storey block, with the additional two-storeys within a recessed, rooftop element with saw-tooth roof. The overall design approach would be contemporary, but with a strong industrial influence, in terms of the form and materiality, relevant to the character of the Kelham Island area.

The submitted Heritage Statement states that nos. 2-4 South Parade derives its significance primarily from its historic interest, being illustrative of the once large and common place Sheffield steel and cutlery manufacturing industry in the Kelham Island area and forming part of the former Ashberry Metal Works. It has some architectural interest also, albeit reduced by unsympathetic repair and alteration. The physical fabric of the building provides evidence of its past use, development and architectural features associated with 19<sup>th</sup> Century industry, contributing to its archaeological interest. Similarly, the limited structural remains within the centre of the Site have some historic and archaeological interest, attesting to the past character and function of the site as a whole.

Nos. 2-4 South Parade is therefore a non-designated heritage asset and part of the wider heritage asset that is the conservation area. Its demolition would result in a total loss of its significance. This total loss would equate to harm in line with NPPF para. 203. The retention of these buildings has been previously explored, however, this would significantly limit the full redevelopment potential of the site, and the application is assessed as presented.

Nos. 2-4 South Parade makes a contribution to significance of the Conservation Area through both its character and appearance, while the remainder of the site does not. The submitted Heritage Statement states that the contribution is, however, limited by the building's stilted appearance within the surrounding later 20<sup>th</sup> Century and early 21<sup>st</sup> century townscape, which severs any consistent

appearance of historic value.

In addition, it is not considered that nos. 2-4 South Parade make a discernible contribution to the significance of setting of the Grade II Listed Ebenezer Church and its removal would not alter how this designated asset is understood as remaining elements of the former landscape.

The loss of nos. 2-4 South Parade will therefore nonetheless lead to harm of a designated heritage asset (the Kelham Island Conservation Area), which the submitted Heritage Statement concludes to be 'less than substantial' as the significance embodied in its character would still be appreciable through the larger works buildings and river views. This conclusion is considered to be appropriate, and your officers concur with the findings.

This 'less than substantial harm' must be weighed against the public benefits of the proposal, as per the NPPF para. 202. In this case, given the limited contribution nos. 2-4 South Parade make to the significance of the Conservation Area, the public benefits of the proposal, which include the provision of additional housing to the city's housing supply (which as discussed above must be given significant weight due to the "tilted balance" applying) and the provision of commercial units, and the associated economic benefits and improved level of amenities for the neighbourhood, are considered to outweigh the harm identified.

In terms of the proposed development, it is considered that the site, and its context, can support a new development of the scale and form proposed. Whilst taller than surrounding buildings, which are around four-storeys in scale, given the development relates to the majority of the block, with sufficient spacing therefore provided between neighbouring buildings, the proposal would sit comfortably within the context of the site.

The massing fronting South Parade adjacent to 20 South Parade (Kelham Chapel Apartments) would be five-storeys in scale, which would avoid the development significantly visibly overbearing this neighbouring, stone building. Whilst there would still be a step-up in built form, the chapel does not represent the general massing of the immediate area, and this is considered acceptable.

The form of the development would ensure that the main massing would be read by the five-storey portion of the building, with the two-storey roof top element set back and stepping up towards Bowling Green Street. This would ensure that the development is read at an appropriate scale along the key frontage of South Parade within the Conservation Area, and alongside the four-storey Cornwall Works. Bowling Green Street has a relatively open aspect, and as such the massing of the proposal would read appropriately in the townscape.

The design is considered to be of a high quality, with a principal material palette of weathered steel, including an exposed structure at ground floor with large, glazed openings to provide active frontage, which is welcome. The main cladding would be in the form of weathered, sinusoidal profiled steel panels, and standing seam, dark grey aluminium panels to the roof top element. These are supported in principle, subject to final specification, samples and fixing details, to be secured by



condition, alongside large scale details.

The proposed development would be of a high design quality and would represent a significant improvement over the existing industrial buildings fronting Ward Street, and would add activity to the street scene, which is to be welcomed. Whilst the loss of the traditional buildings at nos. 2-4 South Parade is unfortunate, the overall design impact would make a positive contribution to the character of the Conservation Area generally. Recent developments undertaken have dramatically altered the character and appearance of the area, and this addition to the southern edge of the Conservation Area, away from the core areas of significance, would not lead to an appreciable change or any harm to its significance.

The proposal would not lie directly within the setting of the Grade II Listed Ebenezer Church which makes a contribution to its significance, and therefore the proposed development would not affect how this asset is appreciated.

Overall it is considered that the development will lead to some harm to the character of the conservation area as a result of the loss of the historic building and the scale of the development. The level of harm caused to a heritage asset is a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the NPPF. In this instance and in the context of the above assessment it is considered that this harm is less than substantial.

Paragraph 202 of the NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

It is concluded that the wider public benefits of redeveloping an underused site with a high quality building and providing a substantial contribution to the local housing supply outweigh the less than substantial harm to the Conservation Area identified. As such the scheme is considered to comply with paragraphs 194 to 202 of the NPPF. Overall, the proposal would be of good design quality, and would preserve and enhance the wider character of the Conservation Area and the setting of the identified Listed Building. The proposal would accord with UDP Policies BE5, IB9(c), BE15, BE16, BE17 and BE19; Core Strategy Policy CS74 and meets the tests identified in the NPPF.

#### Landscape

The development would include a covered outdoor courtyard, overlooked by balcony walkways at upper levels providing access to the co-living units. This courtyard area would be visible from the street through the glazed, ground floor commercial spaces, which would also be able to spill out into this area. Full landscaping details for this area would therefore be required by condition in order to ensure the requirements of UDP Policy BE6 (the provision of good quality landscape design) are met.

#### Access

Appropriately wide, level accesses would be provided throughout the site from the

footways of the adjoining public highways. This would secure inclusive access, in line with the requirements of UDP Policies BE7(a) and BE8. This would also ensure the proposal accords with the NPPF para. 110(b) and safe and suitable access to the site can be achieved for all users.

#### Living conditions for future occupiers

Policy IB9 of the UDP states that new development should not cause residents or visitors to suffer from unacceptable living conditions. Paragraph 130(f) of the NPPF states the development should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. Paragraph 185(a) of the NPPF requires the mitigation and reduction to a minimum of potential adverse impacts resulting from noise from new development and to avoid noise giving rise to significant adverse impacts on health and the quality of life. The NPPF reflects the local policy such that Policy IB9 retains significant weight.

The site lies in a relatively busy inner city setting, close to the Moorfields/Shalesmoor inner ring road. Noise sources such as traffic and the servicing and operations of commercial premises in the vicinity could lead to unreasonable noise disturbance for future occupiers. A revised noise assessment was submitted, the recommendations of which are considered appropriate, and standard conditions would be applied to secure suitable internal noise levels for the residential accommodation. These noise levels would need to be validated by condition before occupation of the building, to ensure appropriate living conditions.

Generally, the internal space standards within each co-living unit are considered acceptable and each would have a good outlook onto the street, providing adequate daylight levels. It is acknowledged that the standard studios that make up the majority of the accommodation offer are small at approx. 31m<sup>2</sup> internal floor space. However, these are only slightly below the minimum recommendation in the South Yorkshire Residential Design Guide (SYRDG) for studios to be a of 33m<sup>2</sup> (which is not a formally adopted policy). Therefore, given this is a co-living scheme, with emphasis placed on living, working and social activities within the building's communal spaces, the space standards can be accepted. The two-bed units would generally exceed the recommended space standards as set out by the SYRDG, and this is welcomed.

Documentation has been submitted demonstrating the mental health benefits of co-living schemes. This is accepted at face value. Each unit would be self-contained, with the communal facilities supplementing the overall residential offer, and residents would not rely on communal cooking facilities, for example. Communal space includes a courtyard and roof terrace providing outdoor amenity space, which is considered to be sufficient provision for a City Centre apartment scheme. Therefore, there are no major concerns with the co-living model presented in terms of living conditions provided and the impact on quality of life.

#### Commercial impacts

Commercial uses at ground floor have the ability to cause noise and other

disturbance to future occupiers of the proposed development, who would be directly above the units, and existing neighbours. Class E uses could include some uses that could potentially disturb residents, such as a café/restaurant, with noise and cooking odours for example, and indoor sport and recreation uses, which could include amplified music, and creches or day nurseries.

However, while treated separately in terms of the planning use class and being open to the public, the commercial space would also operate as an integral part of the co-living scheme, and as such there would be a degree of self-management, as it is clearly in the building operator's best interests for the commercial spaces not to disturb their own tenants.

Nonetheless, a number of other conditions would be attached to any permission to ensure appropriate amenity impacts. For example, music within the commercial uses would be limited to background level, as this is an assumption made in the submitted noise report. Hours of use, deliveries and servicing of the commercial uses would also be limited to appropriate times to avoid very early morning or late-night disturbance. Full details of any commercial kitchen equipment would also be required before any such items are installed in order to ensure appropriate dispersal of fumes and odours.

#### Impact on the amenities of the locality

The existing buildings on site are generally approx. two-storeys in scale. The proposal is seven-storeys in scale, with habitable windows looking outward over the three main frontages to the street, including a high-level roof terrace and balconies. This arrangement would clearly increase the built mass, impacting on daylight, and increase the level of overlooking towards neighbouring properties.

The neighbouring properties most directly impacted would be the flats within the four-storey Cornwall Works building to the north-east of the site, and particularly the occupiers with an outlook onto South Parade directly opposite the proposed development. These occupiers would be only approx. 11m away, with windows directly facing proposed windows. It is acknowledged that this is not an ideal level of separation in terms of privacy or overshadowing/overbearing impacts, especially for neighbours to the lower levels of Cornwall Works fronting South Parade.

However, this is not an uncommon arrangement, with tall apartment blocks separated by the width of the highway a common feature within City Centre locations. Applying suburban space standards would therefore not be reasonable in this instance. The 11m separation over South Parade would only impact approx. 28m of frontage and would not reduce daylight or privacy or daylight to unreasonable levels in this inner city setting.

It is noted that the four-storey flats at Cornwall Works have third floor level roof terraces/balconies, and the proposed development would have a balcony off a communal amenity level at fourth floor level and a communal roof terrace at fifth floor level. Mutual overlooking from such spaces, in this inner city location, is not considered to unreasonably harm the privacy or amenity of existing neighbours or future occupiers.

The neighbouring four-storey Moorfields Flats to the south-west benefit from having a rear car park fronting Ward Street, increasing separation from the subject site. These neighbours have walkways overlooking the shared car park, and as such there is already a level of mutual overlooking. The proposal would introduce seven-storeys of windows facing this car park, however, distances between directly facing windows would be approx. 20-28m. This is not considered to represent an unreasonable reduction in privacy levels over the existing scenario in this inner city setting.

The majority of the ground floor of the Moorfields Flats is in commercial use, although there are some ground floor flats oriented at 90 degrees to the development. However, given the distances described above, and the fact that the lowest flats would not be directly facing the proposed development, the impact on daylight and overshadowing is not considered unreasonably harmful. The principal outlook of the Moorfields Flats is out towards Moorfields, Bowling Green Street and Ebenezer Street, not towards Ward Street and the proposed development.

There are also adjoining residential uses in the converted chapel building directly to the north-west of the site at no. 20 South Parade (Kelham Chapel Apartments). The proposed development would adjoin the chapel's blank rear elevation, and project slightly (approx. 5m) across its southern elevation, which would be approx. 9m away, creating a courtyard to this neighbour. While it is acknowledged that this seven-storey proposal would create an increased level of enclosure to the Kelham Chapel Apartments, again, for the reasons discussed above, in such inner-city settings, this is not considered to represent an unreasonable impact on daylight amenity and would only impact on a small number of neighbouring windows. The proposed development would have no windows directly facing towards the Kelham Chapel Apartments, other than at fifth floor level and above, where views would be well above and over the chapel.

Given the proximity of other residential neighbours, the site is very sensitive in terms of the development phase impacts, and the standard requirement for a Construction and Environmental Management Plan relating to the mitigation of construction noise, dust, vibrations etc would be required by condition. This would address concerns raised regarding air quality during demolition.

#### Amenities summary

Overall, subject to the conditions mentioned, the proposal would provide acceptable living conditions for future occupiers and would have an acceptable impact on the amenities of the locality and immediate neighbours.

The proposal would accord with the relevant UDP Policy IB9. The proposal would accord with NPPF paragraphs 130 and 185 and mitigate 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.

#### Highways

UDP Policy BE9 states that development should 'be served adequately by transport facilities and provide safe access to the highway network and appropriate off-street parking'.

Paragraph 110 of the NPPF states that in assessing applications it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location.

Paragraph 111 of the NPPF states that new development 'should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The site lies within a very sustainable and accessible location within the City Centre, in close proximity to public transport routes, including the Supertram stop at Shalesmoor.

No off-street parking would be provided. The concerns raised regarding the issues created by the lack of any dedicated parking provision and the potential impacts on on-street parking and highway safety in the area are all noted. These concerns are shared by the Local Planning Authority, and it would be unreasonable to expect that occupiers of the development would not own a car or wish to park it in the vicinity.

Whilst there are parking restrictions in the form of single and double yellow lines around the site, at present, there are no other general parking restrictions in the wider vicinity, and the Kelham area generally suffers from on-street parking problems, caused by the increase in 'car free' residential developments with little or no parking and commuters using the area for parking. This is a recognised problem, and as such, the Local Authority are in the process of arranging the implementation of a parking permit scheme in the Kelham area to regulate this issue.

Other residential schemes have been accepted in the area as 'car free', and given the sustainable, City Centre location, this is generally interpreted as acceptable under current policy, which refers to maximum parking provisions as opposed to minimum provisions.

It would therefore be unreasonable to resist a car free scheme here, given the policy position and precedents set, especially as this is a co-living scheme, which could be argued to appeal to a demographic which would be less likely to have high levels of car ownership compared to the standard C3 residential schemes already accepted as car free.

However, other car free schemes have been required to make financial contributions towards permit schemes in Kelham (and St Vincent's). It is therefore appropriate for a similar contribution to be required in this case, given that securing such a contribution reasonably relates to the development. The contributions are based on £85 per bed space.

Therefore, in order to address this issue, a contribution of £85.00 per bed space would be required via a Section 106 agreement (70 no. one bed studios and 20 no. two-bed flats = 110 no. bed spaces). This would result in a payment of £9,350.00 towards the implementation of the Kelham parking scheme, which would regulate parking in the area and prevent highway safety issues arising.

The contribution is considered necessary to ensure that the development does not have an adverse impact on the local highway network. It is relevant to planning, essential for consent to be granted, and proportionate to the scale of the development, thus meeting the tests of the NPPF paras. 55–58.

Residents of the proposed development in question are unlikely to be eligible for a permit, and as such, there would not be a significant impact on on-street parking caused by the development, or a resulting adverse impact on highway safety or air quality. A condition to this effect is not required, as Parking Services would manage this process.

In order to mitigate and manage the lack of parking, a Travel Plan has been submitted, which makes a commitment to provide the Local Planning Authority with survey results, targets and further Travel Plan measures. This would therefore be a condition of granting planning permission.

A bike store would be provided to promote sustainable transport modes for future occupants, and this would be secured by condition, alongside full details of the store. The plans indicate that the commercial area would include an associated bike shop alongside the storage facility, which is welcomed.

It is not considered that the lack of parking for the commercial units would cause highway safety issues, as the majority of custom would likely be residents within the development and neighbours who are within walking distance of the site. Nonetheless, the Kelham parking scheme would also prevent on-street parking by staff or customers causing highway safety issues.

The building would be serviced from Ward Street, which is a narrow, cobbled lane with parking restrictions, which would maintain access through the daytime (0800-1830 Monday to Saturday). While servicing, such as refuse collection, would temporarily block Ward Street while in progress, this is a minor lane, with no strategic function, and would only provide access to the Moorfields Flats' car park at its northern end once the development is complete. Access can be achieved from both the northern and southern ends of Ward Street and vehicle manoeuvring is therefore not an issue.

All redundant vehicle crossings would need to be returned to footways where necessary, secured by condition. The footways around the site would also need to be repaired, and in this case, given this is a major redevelopment scheme in the area, upgrading to the Urban Design Compendium palette would be warranted.

Whilst Ward Street would not necessarily need to be upgraded to function for servicing, it may be in the developer's interests to provide some upgrades, to improve the setting of the building. The streetlighting columns are in extremely

close proximity to the building due to the narrow width of the footway, and it may also be in the developer's interests to consider mounted lighting. As such, a condition is proposed to cover any potential upgrades to Ward Street, and the resurfacing of the footways in the Urban Design Compendium palette.

It is noted that the plans show windows and doors opening out over the highway, and notwithstanding this detail, a condition would highlight that this would not be permitted.

Overall, given the parking scheme, which the developer would need to make a financial contribution towards the implementation of, this would ensure that the development would not have an adverse impact on highway safety in the vicinity. A travel plan has been submitted to demonstrate how low dependence on car ownership can be managed. Servicing arrangements are considered to be acceptable and any associated improvements to the immediate footways and highways would be secured via condition.

As such, the proposal is not considered to be at odds with the aims of UDP Policy IB9. This policy is considered up to date and in accordance with the NPPF section 9, which promotes sustainable transport. In this case the development cannot be argued to be unacceptable or severe (the NPPF test), and as such is acceptable from a highways perspective.

#### Flood risk and drainage

Paragraph 159 of the NPPF states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

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

The site lies within Flood Zone 2 (medium probability). A Flood Risk Assessment (FRA) has been submitted, and the Environment Agency's standing advice applies.

NPPF para. 161 requires a Sequential Test to be applied to steer new development to areas with the lowest risk of flooding. A Sequential Test has been submitted, undertaking an assessment of preferably sequential sites within the Kelham Island and Neepsend Area. The Sequential Test demonstrates that there are no other reasonably available, suitable and deliverable sites within the defined area that are sequentially preferable.

An exception test is not required as the proposals are within Flood Zone 2 and the uses are only classed as 'less vulnerable' and 'more vulnerable' not 'highly vulnerable'.

The EA's standing advice requires that finished floor levels are 300mm above the general ground level or 600mm above the estimated flood level (whichever is

higher). The Flood Risk Assessment uses the 1 in 100 defended scenario (49.114m AOD) from the nearest node point, requiring a finished floor level of 49.714m AOD.

According to the FRA, the proposed development would have a finished floor level of 49.60m AOD generally, with the access from Ward Street set higher at 49.80m AOD.

The general finished floor level of 49.60m AOD is higher than the 1 in 100 and 1 in 200 scenarios, but is below 49.714m AOD, so does not fully accord with the EA standing advice of being 600mm above the estimated flood level.

However, the EA standing advice states that if floor levels cannot be raised above the estimated flood level, extra flood resistance and resilience measures should be considered.

The NPPF para. 167 highlights that development should only be allowed in areas at risk of flooding under certain circumstances. In this case, the proposal is considered to accord para. 167 as (a) the most vulnerable development (i.e. residential uses) would not be located at ground floor level and (b) extra defensible measures would be explored to ensure that the development is appropriately flood resistant and resilient, necessary so the development could be quickly brought back into use without significant refurbishment in the event of a flood. This would also ensure the proposal accords with the EA standing advice.

The agent has confirmed that vulnerable plant would be located on stilts to raise to an appropriate level, with other manageable defensible measures to be explored. A condition would therefore require the final full details of extra flood resistance and resilience measures. This is deemed necessary due to the general final finished floor level not according with EA standing advice of being +600mm above the estimated flood level, and the requirements of NPPF para. 167(b).

However, given finished floor levels would still be above the 1 in 100 and 1 in 200 flood scenarios, with the site close the edge of Flood Zone 2, it is not considered that the proposed flood risk would be unacceptable and the submission of an agreed emergency plan with safe access and escape routes, for example, is not considered necessary.

The Lead Local Flood Authority are satisfied with the submitted surface water proposals for the site and the proposed brownfield rate of 4.5l/sec discharge to the combined sewer. Yorkshire Water also raise no objection subject to the development according with the submitted Sustainable Drainage Report, which would be secured by condition.

Overall, the impact on flood risk and the proposed drainage design is considered acceptable, and the proposal would accord with Core Strategy Policy CS67 and the requirements of the NPPF.

Land quality



Paragraph 183 of the NPPF requires that planning decisions take account of ground conditions and any risks arising from land instability or contamination. The south-eastern tip of the site fronting Bowling Green Street lies within a Coal Mining Referral Area. A Phase I Preliminary Risk Assessment (PRA) report and a Coal Mining Risk Assessment have been submitted, demonstrating that a coal seam of workable thickness is likely to be present beneath the site at relatively shallow depths, which could impact deep building foundations.

The Coal Authority agree with the recommendation of carrying out of intrusive ground investigations, in the form of the drilling of boreholes in order to investigate the depth and nature of the shallow coal seam and to inform detailed pile design. As such, these investigations would be secured by condition.

The site is also potentially impacted by former and current contaminative industrial uses, while the location within Coal Mining Referral Area requires consideration of risk associated with mines gases.

Whilst a PRA has been submitted, this is considered to have omissions, as there is no reference to any site visit/walk-over, no detail in respect of the design of intrusive investigations, with no site plan identifying the soils sampling strategy, and no reference to any features to be targeted on site. The proposed gas monitoring strategy also lacks sufficient detail, with no reference to the number of gas monitoring rounds, or how the response zones of the gas monitoring installations are to be configured.

Therefore, the full set of land contamination conditions would be added to ensure this issue is appropriately investigated, and where necessary remediated and validated, to ensure the site is fit for its intended use and poses no risk to human health. This would ensure the development accords with the NPPF para. 183(a) and the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

## Sustainability

A key objective of local and national policy is the pursuit of sustainable development. The NPPF details three overarching principles of sustainable development; an economic objective; a social objective and an environmental objective.

The proposal involves the redevelopment of an underutilised brownfield site for housing, which has positive implications for the social and economic sustainability of the area.

The submitted sustainability statement demonstrates suitable measures that would address the points set out by the requirements of Core Strategy Policy CS64 in order to mitigate climate change.

The submitted energy strategy demonstrates a 37% reduction in energy needs, mainly through the use of air source heat pumps and photovoltaic panels, which exceeds the requirements of Core Strategy Policy CS65.

In order to ensure the development proceeds in accordance with the approved details, the recommendations of the sustainability statement and energy strategy documents would be secured by condition, as would the requirement to submit a report to evidence the heat pump and PV panel installation before the development is occupied.

Given Policy CS64 requires all non-residential developments over 500m<sup>2</sup> to achieve a BREEAM rating of 'very good', this would also be secured by condition.

### Archaeology

A desk-based assessment has been submitted, assisting consideration of the site's archaeological potential. The report discusses the potential for features and deposits of interest to survive but does not go into sufficient detail and the archaeological potential of this site is not fully understood. As such, the standard Written Scheme of Investigation (WSI) condition would need to be added to any consent to ensure that any archaeological remains present are investigated and properly recorded.

### Public art

Public art would be included in the scheme, and the Design and Access Statement explores the initial ideas. Work reflected in the fabric of the building and for it to manifest in craft and materiality relevant to Sheffield is welcomed. Full details are yet to be submitted and would be subject to condition. This would ensure the proposal accords with UDP Policy BE12.

### Ecology

The site is entirely developed, with no greenery, and has little ecological significance. A preliminary Ecological Appraisal (PEA) has been submitted and is considered to be an appropriate assessment of the site.

The PEA concluded that the buildings have moderate potential for roosting bats and two additional bat surveys were conducted, which confirm that the building is indeed being used by roosting bats. Three roost locations have been identified by an emergence survey. A Natural England protected species mitigation licence will be required before demolition can legally proceed. To inform the licence application, one further emergence survey will be required, carried out during the May– August optimal survey period. This applicant is considered to have satisfied the planning requirements, and subject to a licence being obtained, planning permission can be granted, as per Government Circular 06/2005 para. 99. This requirement would therefore be subject to a condition.

In terms of providing biodiversity net gain, as per the NPPF section 15, the recommendation to install bird and bat boxes, as recommended by the PEA, is considered reasonable. These enhancements would be secured by condition, and the proposal would accord with UDP Policy GE11 and the NPPF section 15. In addition, the submission indicates that the roof terrace and courtyard would contain

planting, and overall the level of planting and greenery within the site would be an improvement over existing, securing further net gains.

### Employment and skills

Talent Sheffield, within Sheffield City Council, encourage developers to consider delivering employment and skills outcomes as a result of major planning applications. Conditions are recommended to require the developer to submit an inclusive Employment and Development Plan, covering the construction and operational phase, designed to maximise the economic and social benefits for local communities from the proposed development, prior to the commencement of the development.

### Community Infrastructure Levy (CIL)

CIL is a planning charge introduced as tool to help local authorities deliver infrastructure to support development.

The site lies within the CIL Residential Charging Zone 4 where the development of residential floor space is liable for CIL payments at £50.00 per m<sup>2</sup>, plus 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.

### Affordable Housing

The site is within the City Centre Housing Market Area as defined in the CIL and Planning Obligations Supplementary Planning Guidance. There is no requirement for developments in this area to contribute to affordable housing.

## SUMMARY AND RECOMMENDATION

The proposed mixed-use, co-living scheme is considered to be acceptable in principle, and is appropriate in this area, as Kelham Island and Neepsend becomes more residential in character, as promoted by the Core Strategy.

The proposal is for an appropriately high density, residential scheme, in an extremely sustainable location, utilising a brownfield site, making effective use of land.

Whilst a negative aspect of the scheme is the dominance of studio units, not necessarily assisting the policy aims of creating mixed communities on a site-specific basis, there are no other examples of co-living schemes within the neighbourhood, and overall it would add variety to the housing market in this location.

The design is of high quality and while the loss of the traditional buildings is unfortunate, the impact on the character of the Conservation Area and designated heritage assets has been demonstrated to be acceptable. The less than substantial harm caused would be outweighed by the public benefits of the scheme which in

this case are the delivery of significant new housing units, the regeneration of an underutilised brownfield site, job creation opportunities and an exceedance of policy requirements in relation to sustainability.

The impact on the amenities of existing neighbours, and the living conditions provided for future occupiers would be acceptable, subject to compliance with the conditions listed.

The concerns raised regarding the impact on the highway are noted. However, once the forthcoming parking scheme is implemented, which the developer would make a financial contribution towards, the impact on the highway would be controlled and cannot be considered to be unacceptable or severe.

Overall, flood risk has been demonstrated to be acceptable, and appropriate drainage arrangements would be implemented.

Land quality issues, including land contamination and stability, would be addressed by conditioned requirements to investigate, and where necessary, remediate the land to ensure the site is fit for purpose before development commences.

The development would exceed sustainability targets and provide biodiversity net gains, which are welcomed.

As Sheffield cannot demonstrate a 5-year housing supply, the “tilted balance” applies in this case and the most important policies for determining the application are automatically considered to be out of date. It therefore follows that planning permission should be granted for this development unless the impact on the identified designated heritage assets or the risk of flooding provide a clear reason for refusal in this case, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The report clearly demonstrates that the impact on designated heritage assets is of less than substantial harm and that the public benefits outweigh this harm. It is also clearly demonstrated that the risk of flooding has been appropriately mitigated. Any adverse impacts of granting planning permission in this case would not outweigh the identified benefits. It is therefore recommended that planning permission be granted subject to the listed conditions and to the completion of a legal agreement to secure the following Heads of Terms.

#### Heads of Terms

Before the development is commenced the developer shall pay the sum of £9,350.00 towards the implementation of the Kelham parking scheme.