
Case Number	20/02550/FUL (Formerly PP-08917224)
Application Type	Full Planning Application
Proposal	Full planning application for enabling works comprising access, clearance and remediation, reprofiling, drainage, flood mitigation, landscaping and associated works
Location	Land Part Of Outokumpu Site, Fife Street And Blackburn Road And Storage Land At Grange Mill Lane Sheffield S9
Date Received	31/07/2020
Team	City Centre and Major Projects
Applicant/Agent	Planning Prospects Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Access Layout Full Length - Drawing no. J1053 Fig 2 - Rev C - amended and published 30.01.2023

Access Road General Arrangement - Drawing no.

UG_11958_LAN_GA_DRW_109 - Revision P07 - amended and published 30.01.2023

Access Road Hard Landscape Plan - Drawing no.

UG_11958_LAN_HL_DRW_110 - Revision P07 - amended and published 30.01.2023

Site Wide Masterplan - Drawing no. UG_11958_LAN_MSP_DRW_103 - Revision P11 - amended and published 30.01.2023

Soft Landscape Plan - Drawing no. UG_11958_LAN_SL_DRW_104 -
Revision P12 - amended and published 30.01.2023
Soft Landscape Plan View 1 - Drawing no. UG_11958_LAN_SL_DRW_105
- Revision P12 - amended and published 30.01.2023
Soft Landscape Plan View 2 - Drawing no. UG_11958_LAN_SL_DRW_106
- Revision P12 - amended and published 30.01.2023
Soft Landscape Plan View 3 - Drawing no. UG_11958_LAN_SL_DRW_107
- Revision P12 - amended and published 30.01.2023
Soft Landscape Plan View 4 - Drawing no. UG_11958_LAN_SL_DRW_108
- Revision P12 - amended and published 30.01.2023
Access Road Soft Landscape Plan - Drawing no.
UG_11958_LAN_SL_DRW_111 - Revision P09 - amended and published
30.01.2023
Access Layout and Sight Lines - Drawing no. J1053 Fig 1 - amended and
published 30.01.2023
Plan View and Cross Sections - Drawing no. 5R-2480D-101 - amended 30
April 2021, published 05.05.2021
Preliminary Site Plateaus - Drawing no. C1367-005 - Revision D - published
27.06.2022
Cross Sections - Drawing no. C1367-200 - Revision P1 - published
27.06.2022
Site Location Plan - Drawing no. UG_11958_LAN_SLP_DRW_101 -
Revision P02 - published 31.07.2020

Reason: In order to define the permission.

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

3. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, as well as minimising the impact on the highway network and local wildlife. It will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality, pollution control, traffic management and habitat protection. The CEMP shall include, but not be limited to, the following details:
 - Construction traffic routes to the site identified on a plan;
 - A profile of the daily movement of the construction traffic, identifying the peak level of vehicle movements for each day (vehicle movements, especially HGVs, should be prohibited as far as reasonably possible from accessing the site during the Strategic Road Network peak operating hours);
 - Wheel wash facilities located close to the site entrances/exits to prevent the depositing of mud, waste and debris from the site onto the road network;

- Measures to protect the Blackburn Brook Local Wildlife Site, the Woolley Wood Local Nature Reserve and any other nearby off-site woodland areas and habitat sites from construction-related impacts;
- Reasonable Avoidance Measures to prevent harm to otters utilising the Blackburn Brook during the construction phase;
- Precautionary Working Methods to prevent harm to badgers;
- Detailed management proposals for the removal and eradication of invasive species identified on the site; and
- Measures to limit the impact of construction lighting on on-site and off-site wildlife and habitats.

Thereafter, the details shall be implemented in accordance with the approved CEMP throughout the construction period.

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 shall have been investigated and a Phase I Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and shall include details of proposed phasing arrangements for any recommended investigations.

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 in accordance with the approved phasing, and shall be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the relevant phase of development 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(s) shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the

Local Planning Authority prior to the relevant phase of development 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 until a phasing strategy for the development, for the investigation of existing drainage infrastructure, and for the provision of appropriate drainage infrastructure for each part of the site, has been submitted to and approved in writing by the Local Planning Authority. For each phase of the development, a scheme providing full details of the proposed surface water drainage design, including calculations and appropriate model results, shall be submitted to and approved by the Local Planning Authority. No phase of the development shall commence until the drainage scheme for that phase has been approved in writing by the Local Planning Authority, and no part of a phase shall be brought into use until the drainage works approved for that part have been completed.

The drainage scheme for each phase shall:

- Include calculations to demonstrate a 30% reduction in surface water disposal compared to the existing peak flow based on a 1 in 1 year rainfall event. This will require any existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise, greenfield rates (QBar) will apply. An additional allowance of 40% shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30-year return period storm, with the 100-year return period storm plus climate change retained within the site boundary.

- Be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided unless evidence has been provided to show why these methods are not feasible for this site.

- Include the arrangements and details for surface water infrastructure management for the lifetime of the development. This shall include operation and maintenance manuals for regular and intermittent activities and as-built drawings.

For each phase of the development, the drainage scheme and its management shall be implemented in accordance with the approved details and phasing strategy, and retained for the lifetime of the development.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the

development commences in order to ensure that the proposed drainage system will be fit for purpose.

8. No development, including any demolition and groundworks, shall take place until a Written Scheme of Investigation (Wintertree Software Inc.) has been submitted that sets out a strategy for archaeological investigation, and this has been approved in writing by the Local Planning Authority. The Wintertree Software Inc. 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; and
- The timetable for completion of all site investigation and post-investigation works.

Thereafter, the development shall only take place in accordance with the approved Wintertree Software Inc. and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the Wintertree Software Inc. 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.

9. No development shall commence until full details of measures to protect the existing trees and hedgerows to be retained (as indicated in the Arboricultural Impact Assessment by Urban Green, Project No. 11958, published 31 July 2020) have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837: 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is

essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

10. No development shall commence until a detailed 30-year Biodiversity Enhancement and Management Plan (BEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, has been submitted to and approved in writing by the Local Planning Authority. The BEMP shall ensure the delivery of biodiversity net gain set out in the approved Biodiversity Net Gain Assessment (Urban Green, Project No. UG11958, Rev. P09, dated 27/01/2023, received and published 30 January 2023) and shall include the following elements:

- Details of any new habitats created on-site;
- Details of treatment of site boundaries and/or buffers around water bodies;
- Details of maintenance regimes for existing and new habitats, including how the habitats will be managed and maintained for at least 30 years;
- Timescales for implementation; and
- Details of management responsibilities.

Thereafter, the BEMP shall be carried out in accordance with the approved timescales, and any subsequent variations shall be agreed in writing by the Local Planning Authority.

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

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

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

The Plan shall include an implementation schedule, with provision to regularly 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.

12. 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:

- Works to develop the approved site access from Blackburn Road / Grange Mill Lane (as shown in principle on the approved Access Road Full Length plan, ref. J1053 Fig 2 - Rev C - amended and published 30 January 2023)

Reason: In the interests of highway safety.

13. Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority. The submission shall include detailed design drawings for a new pedestrian crossing on Blackburn Road, to the north of the junction with New Droppingwell Road, in the location indicated on the approved plan (ref. UG_11958_LAN_GA_DRW_109 - Revision P07 - amended and published 30 January 2023).

Reason: In the interests of pedestrian safety.

14. The approved access road shall not be brought into use until the sight lines, as shown on the approved plan (ref. J1053 Fig 1 - amended and published 30 January 2023), have been provided. Thereafter, the sight lines shall be retained and no obstruction shall be allowed within the sight line above a height of 1 metre.

Reason: To ensure appropriate visibility from the approved access, in the interests of highway safety.

15. The new access shall not be used unless and until all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Planning Authority (in consultation with the Local Highway Authority), including any Traffic Regulation Orders, are implemented. The means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

Reason: In the interests of highway safety.

16. The 'kissing gate' connection from the public right of way footpath (SHE/391) to the new access road, as shown on the approved plan (ref. UG_11958_LAN_SL_DRW_111 - Revision P09 - amended and published 30 January 2023), shall be an Aston 2-Way gate with mobility access, or a

similar gate with access for medium and large mobility vehicles to be approved in writing by the Local Planning Authority prior to the installation of the gate. Thereafter, the gate shall be retained as a fully accessible connection.

Reason: To widen access to the public right of way.

17. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy and phasing arrangements. 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.

18. 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, or in accordance with phasing arrangements which have first been submitted to and 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.

19. The development shall be carried out in accordance with the submitted Flood Risk Assessment & Drainage Strategy (Shepherd Gilmour Consulting Engineers - C1367-20200094 Version Rev D, dated 29.04.2021, published 27 June 2022) and Flood Modelling Study (Thomas Mackay Environmental Solutions - Final Version v6-0, dated May 2022, published 27 June 2022) and the following mitigation measures they detail:

- The enabling works shall be carried out in accordance with the approved Preliminary Site Plateaus (Drawing no. C1367-005 - Revision D - published 27 June 2022) and Cross Sections (Drawing no. C1367-200 - Revision P1 - published 27 June 2022); and

- The culvert sections shown in Appendix E of the approved Flood Modelling Study (published 27 June 2022) shall be opened up as detailed.

These mitigation measures shall be fully implemented before any plot is made available for development. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. Should any variation to the approved mitigation measures be deemed necessary, the alternative measures shall not proceed until amended details have been submitted to and approved in writing by the Local Planning Authority.

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

20. The development shall be carried out in accordance with the approved scheme for the restoration and enhancement of the Blackburn Brook water body, as specified in the WFD Compliance Assessment submitted by Five Rivers Environmental Consulting (project code 2480D, published 5 May 2021) and as shown in the approved plans listed in condition 2, including the following measures:

a) The removal (daylighting) of at least 120 metres of an existing closed culverted section of Blackburn Brook adjacent to Parcel 2 of the development site; and

b) The restoration of the Blackburn Brook river channel and its riparian corridor through Parcel 1 of the proposed development site ('Parcel 1'), including:

- The removal of at least 225 metres of existing hard-engineered river banks and walls
- The realignment and re-naturalisation of at least 260 metres of river channel
- The provision of improved channel planform (sinuosity) and natural cross-section (width and depth) within the re-aligned channel
- The removal of at least 95 metres of existing closed culverted sections
- The re-grading of the existing banks and creation of an undeveloped (free from buildings or structures) buffer zone around the realigned channel
- The provision of wetland/floodplain habitats within the re-graded river corridor
- The provision of a natural gravel channel bed substrate within the realigned channel
- The removal of an existing small impoundment (weir)
- The planting of native marginal/wetland plant and tree species

Any subsequent minor variations to the scheme or the overall design of the proposed development shall be agreed in writing by the Local Planning Authority and the Environment Agency, in which case the development shall be carried out in accordance with the amended scheme.

Reason: To ensure the appropriate enhancement of the Blackburn Brook, in line with policies GE17 and GE26 of the Sheffield Unitary Development Plan.

21. Prior to the commencement of that part of the development, details of the proposed 30-metre length of replacement culvert on the Blackburn Brook water body, as shown on the approved plans, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In order to limit the ecological and geomorphological impacts of the channel structure.

22. Prior to the installation of any external lighting, full details of the proposed means of lighting (including any security lighting) shall be submitted to and approved by the Local Planning Authority. The lighting scheme shall be designed to be sensitive to on-site and off-site wildlife and habitats, with illumination kept to the minimum level necessary and measures incorporated to minimise light spill. Thereafter, the agreed details shall be implemented in accordance with the approved details.

Reason: To protect on-site and off-site ecological habitats.

23. Details of all retaining walls and all security fences shall be submitted to and approved in writing by the Local Planning Authority before that part of the development commences. The development shall be undertaken in accordance with the approved details and retained thereafter.

Reason: To ensure the satisfactory appearance and security properties of new boundary treatments.

Other Compliance Conditions

Attention is Drawn to the Following Directives:

1. The CEMP required for condition 3 should cover all phases of demolition, site clearance, groundworks and above ground level construction. In addition to the specific requirements set out in condition 3, the content of a CEMP should normally include:
 - 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;
 - (i) Noise - including welfare provisions and associated generators, in

addition to construction/demolition activities.

(ii) Vibration.

(iii) Dust - including wheel-washing/highway sweeping; details of water supply arrangements.

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

(v) 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.

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

(vii) 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.

2. Statutory sewer maps show that numerous sewers cross the site. Existing drainage infrastructure must be fully surveyed before any phase of the development commences, as required by condition 7 as set out above, in order to record the accurate positions of public sewers. No trees should be planted within 5 metres of any public sewer. No buildings or structures should be erected within the relevant stand-off distances of any sewer, and an appropriate buffer zone should also be maintained around the Blackburn Brook watercourse. Proposals for works affecting public sewers (including operational works in close proximity, improvement works, diversions or abandonment) must be approved by Yorkshire Water before the commencement of the relevant operations. Yorkshire Water reserves the right to refuse permission to undertake works to public sewers, under its statutory powers as set out in the Water Industry Act 1991.
3. The approved Flood Risk Assessment (FRA) applies only for enabling works comprising access, clearance, and remediation, reprofiling, drainage, flood mitigation, landscaping and associated works. Any future submission for built development will require a new FRA based on more recent model outputs, reviewing the impact of the flood mitigation works on the Flood Zone designation and the appropriateness of built development. Any updates to Flood Zones will require an evidence review to be submitted to the Environment Agency at neyorkshire@environment-agency.gov.uk.
4. Should any of the individual site areas progress to development in isolation and not as part of the whole site masterplan, the developer is advised to consult the Environment Agency to ensure that the individual sites do not increase flood risk on site or elsewhere.
5. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- On or within 8 metres of a main river (16 metres if tidal); or
- On or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal); or
- On or within 16 metres of a sea defence; or
- Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert; or
- In a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) where planning permission has not already been granted.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and they are advised to consult with the Environment Agency at the earliest opportunity.

6. The detailed design of the 30-metre length of replacement culvert, as required by condition 21, shall adhere to the following principles as set out by the Environment Agency:

- The culvert length should be restricted to the minimum necessary (maximum 30m);
- The culvert base should be of natural substrate (this should be achieved by using a bottom-arch culvert retaining the natural stream bed, or if this is not possible burying the culvert invert at least 300mm below the natural bed level);
- Natural low flow depths should be maintained through the culvert base (by the provision of a two stage channel where necessary);
- The culvert base should be sufficiently buried (at least 300mm) below the existing bed to allow a naturalised culvert bed to be maintained during the scour associated with high flows;
- The culvert should be at least the same width (and ideally two times the width) as the natural active channel width, with consideration to low flows and channel migration;
- The soffit of the culvert should be greater than the natural bank height;
- The culvert alignment should match alignment of the watercourse (in a parallel direction to flow, and in a straight reach);

- The slope of the culvert base should match the slope of the bed of the watercourse, with consideration to the stability of the watercourse;
 - Associated erosion and scour controls must be suitably sized and sensitively engineered e.g. soft engineering options where appropriate;
 - The culvert should be designed to prevent creation or exacerbation of downstream and upstream bank and bed erosion; and
 - The culvert must not present a barrier to fauna by (i) creating a step or 'hydraulic drop' at the culvert inlet or outlet which will hinder the passage of fish and other fauna, (ii) creating undesirable hydraulic conditions (e.g. shallow depths or fast flows) throughout the length of the culvert that will hinder the passage of fish or (iii) any additional restrictions at the site of installation to the free passage of migratory fish and other fauna at all times, e.g. mammal and fish access through the internal culvert length.
7. The external lighting scheme, as required by condition 22, should be designed in accordance with the guidance provided by the Institution of Lighting Engineers in their documents "Guidance Notes for the Reduction of Light Pollution", "Guidance for the Reduction of Obtrusive Lighting" and "Bats and Artificial Lighting in the UK", or any subsequent guidance which supersedes these documents. The lighting scheme should include the following measures:
- Site lighting should be kept to minimum levels.
 - Construction lighting should not be directed towards retained and surrounding habitats. Directional lighting can be achieved by angle and orientation of beam, use of a cowl, louvre or other light shield, or a combination of these.
 - Luminaries should lack UV elements, and a warm white light should be used instead of a cool white light (ideally less than 2700 Kelvin).
 - Lighting should feature peak wavelengths greater than 550nm.
 - Light placement should be downward facing to prevent excess horizontal or vertical light spill.
 - The use of hard landscaping features to block light and create dark corridors.
 - Measures to avoid illuminating any suitable retained bat habitats.
 - Use of timed security lights to be set on motion-sensors and using short, 1-minute timers, to minimise light use, where appropriate.
 - Column heights of lighting designed to minimise light spill.

8. The applicant is reminded that all wild birds, their active nests, eggs and young are protected under the Wildlife & Countryside Act 1981. Any clearance of trees, scrub and vegetation should ideally avoid the core nesting season (March 1st - August 31st) unless a check has been carried out by a suitably qualified ecologist.
9. The developer's attention is drawn to the advice provided in the consultation responses from Cadent Gas, uploaded to the Council's Public Access website on 2 October 2020 and 5 October 2020. The responses can be viewed in the Documents tab on the application file. Search for planning application ref. 20/02550/FUL here:
<https://planningapps.sheffield.gov.uk/online-applications/>
10. The developer's attention is drawn to the advice provided in the consultation response from Network Rail, uploaded to the Council's Public Access website on 12 October 2020. The response can be viewed in the Documents tab on the application file. Search for planning application ref. 20/02550/FUL here: <https://planningapps.sheffield.gov.uk/online-applications/>
11. South Yorkshire Police advise that a number of existing industrial and commercial properties running the full length of the proposed site have at some point suffered criminal offences such as burglary and thefts, with fencing having been breached. To future-proof the development, it is important to ensure that the boundary fence is substantially secure to prevent future breaches and to protect the site during the construction phase.

The proposed 2.4m high security fence should be anti-climb prison mesh constructed to a minimum of LPS 1175 Issue 8 D10 (SR4) The fence should be securely fixed/anchored and concreted into the ground. At no point should the fence be reduced in height less than 2.4m on the public facing side. Details submitted for condition 23 will be expected to demonstrate these security standards.

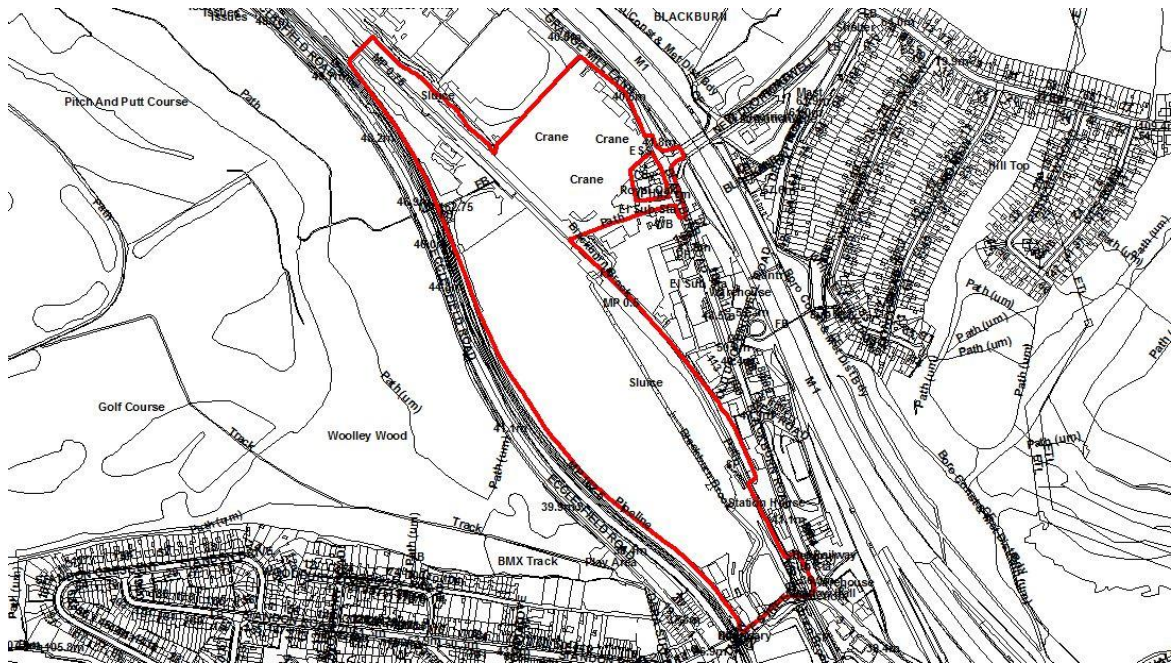
All other boundary treatments should meet Secured by Design standards.

Pedestrian and cycle routes should be designed to be wide, without sharp bends or hiding places, being overlooked and well-lit.

The immediate surrounding area has historically suffered from illegal off-road motorcycling. Consideration should be given to installing intermittent preventive measures to all pedestrian/cycle routes and public rights of way to negate this.

12. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

Site Location

The application site is located in the Blackburn Valley industrial area, which runs north from Meadowhall shopping centre along the south-west side of the M1 motorway. The site represents just under 14 hectares of land in an irregularly shaped plot comprising of two distinct 'parcels' as described in the applicant's submission.

The parcels are divided by a former railway line that is now a pedestrian and cycle route, generally of 2.5 metres in width. This is part of a wider strategic footpath and cycleway route (the NCN67 Trans Pennine Trail Central) which runs from Ripon down to Long Eaton via Leeds, Wakefield, Sheffield and Chesterfield. The entire Trans Pennine Trail network includes east-west routes from Hornsea to Southport.

The majority of the site falls within Parcel 1, being vacant industrial land which was formerly home to the Outokumpu steelworks, which closed in 2009 and was cleared in 2011. Almost all structures on the site have now been demolished, leaving an extensive area of hardstanding. This parcel is defined by Fife Street to the south, the NCN67 along the entire north-east edge, and the Sheffield to Barnsley railway to the west. The parcel thins towards the north, terminating at a buffer area between the railway and the NCN67, south-west of the Foremost Industrial Estate, which features several industrial, warehousing and open storage premises.

Parcel 2 is a smaller area adjoining the eastern edge of Parcel 1 towards the north of the site. This land comprises levelled hardstanding used by a crane engineering company and is defined by Grange Mill Lane to the east, the NCN67 to the south-west, and the Foremost Industrial Estate to the north-west. To the south-east corner of Parcel 2, and excluded from the application site boundary, is the Royal Oak public house.

Around the location of the Royal Oak, Grange Mill Lane merges into Blackburn Road, which continues the industrial character but with some isolated dwellings, the closest of which is approximately 40 metres from the application site. The M1 motorway is located immediately to the east of the smaller industrial sites on Blackburn Road, and to the other side of the M1 are residential streets in the Hill Top neighbourhood, representing the south-western extent of the developed suburban area of the town of Rotherham.

To the south of the site, on the eastern side of the railway line, are gasholders operated by Cadent Gas. To the western side of the railway line is the Woolley Wood ancient woodland, with Concord Park beyond. To the south-west of the site is the neighbourhood of Wincobank, and the Shiregreen area is located further to the west beyond Concord Park. The Woolley Wood is connected to the site via a public footpath (ref. SHE/391) which bridges the railway line and crosses Parcel 1 to join the NCN67 before linking to Blackburn Road along the southern boundary of Parcel 2.

The Blackburn Brook, a tributary of the River Don, runs through the site. The Brook runs adjacent to the NCN67 where it divides Parcel 1 from Parcel 2, then moves southwards through Parcel 1. The Brook has been regulated with large sections of culvert and engineered banks, and a number of bridge crossings. The sections of Brook within the site have been poorly managed, with deteriorated structures and accumulated debris. The site is classed as floodplain and is subject to relatively frequent flooding.

Application Proposal

The application proposal consists of enabling works to serve future employment development on both parcels of the site. The employment development itself is not the subject of this application and will be the subject of separate future applications which will consider aspects including traffic, air quality, flooding and environmental impacts as appropriate.

The key interventions proposed under this application are as follows:

- Clearance of areas of existing hardstanding and self-seeded vegetation, to allow for remediation and the formation of new site profiles in preparation for future employment development
- Creation of a new vehicular access from Blackburn Road, immediately to the south of the Royal Oak, leading to an access point leading north to Parcel 2 and a roundabout at Parcel 1 to provide routes to future development sites
- Improvement works to the NCN67 cycleway and the SHE/391 footpath, including the creation of a new pedestrian and cycle crossing where these routes meet the new vehicular access road from Blackburn Road to Parcel 1
- Hydrological works to the Blackburn Brook and the laying of new drainage infrastructure, including the removal of existing bridges and culverts, the naturalisation and realignment of the Brook, and the lowering of the eastern embankment to create a landscaped flood mitigation area, as well as the creation of a balancing pond in the southern corner of the site
- Landscaping, habitat creation and boundary treatments, including tree planting and a vegetated embankment along the western boundary

The application has been amended since the original submission, including revisions to the design of the pedestrian and cycle crossing over the new access road, as well as further enhancement to the Blackburn Brook, now encompassing more substantial realignment. All amendments are discussed fully in the Planning Assessment below.

RELEVANT PLANNING HISTORY

Within the application site area, several developments associated with the previous industrial land use were approved between 1978 and 2003, including ancillary

amenity and office blocks and signage proposals.

Following the closure of the Outokumpu site in 2009, the first redevelopment proposal was in 2015 when the use of this land for open air HGV storage was proposed. The HGV storage application was withdrawn. Subsequently, Environmental Impact Assessment (EIA) screening and scoping requests were received in 2019 for the industrial redevelopment of the whole site. It was considered that an EIA would be required.

However, an application for the whole development was never submitted. Rather, an application for the new access road only, from Blackburn Road, was received later in 2019, before being withdrawn in 2020 due to unresolved flood risk matters, and to allow for a resubmission taking a more holistic approach to enabling works and site restoration. A new EIA screening request was submitted later in 2020, covering the enabling works only rather than the whole development, and the Council concluded that an EIA would not be required for the enabling works (this is discussed further in the Planning Assessment below). Discussions associated with the current application have been ongoing since the application was validated in August 2020, allowing for the resolution of technical matters and the eventual presentation of the application to Members at the February 2023 Planning & Highways Committee meeting.

The relevant planning history is set out below:

- 15/04614/FUL
Use of site for storage, repair and maintenance of Heavy Goods Vehicles (HGVs) and sale and hire of commercial vehicles, erection of gate house, office accommodation block and workshop unit with associated parking accommodation and retention of front boundary wall
Withdrawn 06.05.2016
- 19/00853/EIA
EIA (Environmental Impact Assessment) screening request for the redevelopment of site including erection of buildings (Use Classes B1c, B2 and B8)
Environmental Statement Required 19.03.2019
- 19/02290/EIA
EIA (Environmental Impact Assessment) scoping request for the redevelopment of site including erection of buildings to provide up to approx. 51,000sqm of employment floorspace (Use Classes B1c, B2 and B8) with formation associated site access
Scoping Opinion Provided 24.07.2019
- 19/02601/FUL
Construction of a new access road with landscaping and associated works
Withdrawn 28.04.2020
- 20/02988/EIA
EIA (Environmental Impact Assessment) Screening opinion request for

enabling works, comprising access, clearance and remediation, reprofiling, drainage, flood mitigation, landscaping and associated works
Environmental Statement Not Required 18.09.2020

SUMMARY OF REPRESENTATIONS

The application has been advertised in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Neighbour consultation letters were sent out to neighbouring premises with an adjoining boundary. Notices were displayed around the site location. A press notice was displayed in the Sheffield Telegraph.

The application was re-advertised in May 2021 following the receipt of amended plans and supporting documents, and again in July 2022 following the receipt of a new flood modelling study.

Sheffield City Council has received 30 objections overall, including from the Trans Pennine Trail office, Sustrans Sheffield, Cycle Sheffield, CPRE Peak District and South Yorkshire, Councillor Ruth Mersereau, Councillor Dawn Dale, Councillor Garry Weatherall, Miriam Cates MP (Member of Parliament for Penistone and Stocksbridge) and community groups including the Love Wincobank Campaign, Wincobank Connects and the Brendan Ingle Foundation.

Two online petitions through the Change.org website have been submitted by the Love Wincobank Campaign. The first petition is the same as that submitted for the previous application (19/02601/FUL) rather than directly relating to this application. A new petition carried out for this application has 408 online signatures. According to the Council's Petition Guidance, a valid petition should include the postal address and signature of every contributor. As postal addresses and signatures are not included, this petition cannot be formally accepted, although the Local Planning Authority does recognise the submission as an indication of public feeling against the development.

The comments received to date are summarised as follows, organised according to subject matter:

Land Use Principle

Trans Pennine Trail:

- There is no indication of how the wider site will be developed, i.e. as one major development or as smaller development sites

Sustrans:

- There is an opportunity to instead transform an old industrial site into a nature-friendly park

Councillor Ruth Mersereau:

- Sheffield Green Party objects to “enabling works” for a 500,000 square foot warehousing site

Love Wincobank Campaign:

- Expected environmental effects of the development will not be outweighed by regeneration benefits
- The application includes insufficient detail about the overall future use of the site, yet the applicants are specific in press statements in stating that they intend to provide warehouses
- The ground works and flood mitigation works may increase the area of developable land
- Employment development can be delivered elsewhere
- The cumulative effects of the development (including flooding, traffic, noise, pollution and loss of cycle/pedestrian routes) are too great for local people to shoulder
- The stated benefits of the development are not of benefit to local people
- The applicant has contempt for the Wincobank community
- Previously industrial land does not need to remain industrial in perpetuity – the site could be developed for other uses
- Proposals for the site should include the implementation of the Ingle Way project developed with architecture students at the University of Sheffield to improve connectivity between Wincobank, Meadowhall and the Trans Pennine Trail
- The industrial allocation in the Unitary Development Plan is out of date
- There is not enough detail about the jobs that the proposal would actually create and whether these would be for local people – distribution does not require a lot of workers

Wincobank Connects:

- The negative impact on the community will outweigh any potential benefit in terms of jobs
- There is inadequate information about the end land use
- We don't know how many buildings there will be
- The site would be better used as a wildlife lake or as an exercise area with job opportunities in leisure services

The Brendan Ingle Foundation:

- The development will create a barrier to the Foundation's plans to improve residents' quality of live by preventing the delivery of the Ingle Way project
- Development should be directed to nearby alternative industrial sites

Change.org Petition:

- The development of 14 hectares of active floodplain for warehouse distribution units should be stopped

Public comments:

- This part of the city should not be used as a 'dumping ground' for industry but should instead be invested in for residents and visitors
- Despite other objections, the economic benefits of the development are acknowledged

- The application lacks transparency in terms of the eventual plans for the site, and the motives of the applicant can't be trusted
- There is potential for the site to be used as a 'flood basin park' to provide opportunities to enjoy the natural world
- The land should be donated to the people of Sheffield to ensure proper management
- The development is unnecessary and unwanted
- Unused land off junction 35 of the M1 should be developed instead
- There are numerous examples of ex-industrial sites being used in a better way

Officer response:

The principle of the development in terms of land use is discussed fully in the Planning Assessment below, along with a balancing of the weight given to various material considerations. The motives or character of the applicant, together with any past press statements, are not a material planning consideration, and the application proposal must be assessed on its own merits. The submitted application does not include the eventual employment development, and the Council's assessment must be limited to the development which is expressly covered by this application, being the enabling works described only. Alternative proposals cannot be considered on a hypothetical basis, and the Council does not have control over the ownership of the land in order to bring forward the suggested alternatives.

Public Rights of Way, Highway Safety, Active Travel and Traffic

Trans Pennine Trail:

- The proposal will dissect and sever the NCN67
- It is questionable whether a raised table will be the safest option to protect sustainable transport users on the Trail, as cyclists and pedestrians could face extended waiting times for safe passage
- The application does not show sustainable transport links to local residential areas and to provide sustainable routes for future employees
- The Trail should remain open 24/7
- There is insufficient detail of how the works to the Trail will be undertaken
- The supporting documents insufficiently reference the importance of the Trail
- The proposal should deliver better improvements to active travel routes, including increased width and surfacing improvements
- Trail users of all abilities should be accommodated
- The Trail should be improved in terms of safety and visitor experience, and this development provides neither
- The Trail partnership would support a safe priority crossing for sustainable transport users
- There is no reference to LTN 1/20 cycle standards within the documentation

Sustrans:

- The proposed access road is unacceptable and the approach requires cyclists to give way, which is unacceptable when the cycleway is a pre-existing right of way
- Motor traffic should not be allowed to sever the greenway route which is part of a 12,000-mile network
- The NCN67 has been particularly valuable to the local community during the Covid-19 pandemic
- An alternative route for motorised traffic must be found
- Access barriers should be removed where possible and additional barriers should not be accepted
- The basic design principle of National Cycle Network is that a 12-year-old should be able to cycle along it unaccompanied, and the development would make this too dangerous
- Any design solutions should ensure that the development accords with current cycling infrastructure design standards and this should be a planning condition for the developer
- If the crossing is going to be too busy to allow priority to pedestrians/cyclists, the delay and increased hazard to vulnerable road users will not be minimal

Cycle Sheffield:

- The NCN67 should have priority over any side roads or access roads
- The crossing needs to be designed so that priority is clearly given to pedestrians and cyclists, with motorised traffic giving way to these users
- The shared cycle/footpath used to access the site is too narrow and should be 5 metres wide (3 metres for two-way cycling and 2 metres for pedestrians), or alternatively the cycle lane should be protected within the road
- The shared use path fails to connect to the site itself or even to the existing NCN67 – it is unclear what cyclists are supposed to do when they reach the end of the path
- Kissing gates or any other kind of access barriers are contrary to the Equalities Act
- Current design standards should be used for active travel infrastructure rather than outdated standards from 1995 and 2008 – the proposal should comply with the Department for Transport's LTN 1/20 standard
- If pedestrian and cycle priority cannot be retained, the crossing should be signalised to ensure safe passage

CPRE Peak District and South Yorkshire:

- The development would affect the route of the Trans Pennine Trail, which holds significant value as an off-road walking and cycling route
- The development would severely impact Trail users
- The changes to the Trail would damage sustainable and active travel in the immediate area and reduce leisure options
- The design of the new crossing fails to give priority to Trail users and ignores the hierarchy of travel modes

Councillor Ruth Mersereau:

- The development stretches over a mile in length and would create huge amounts of traffic

- It is unacceptable to say that traffic would be considered in later applications, as the purpose of enabling works is only valid in the context of the eventual wider development

Miriam Cates MP:

- The NCN67 is used heavily by pedestrians and cyclists travelling towards Meadowhall and the city centre from the Penistone and Stocksbridge constituency
- Safe cycle routes away from major highways are important to consider alongside the need to keep developing our infrastructure

Love Wincobank Campaign:

- Wincobank is a rat run for traffic circumventing the Meadowhall Ring Road, and there have been numerous recorded traffic incidents in the area – additional traffic could cause further safety issues
- Local roads are dangerous with a lack of safe crossing places
- The bisection of the cycleway and footpath will further reduce safe spaces for people to walk, run and cycle
- The NCN67 and public footpath offer a flat, even terrain in the valley bottom when many surrounding routes are too hilly for some people to move around easily

Wincobank Connects:

- Increased traffic at the gateway to the M1 will result in tailbacks at other access points
- The proposal would cut across one of the only level routes in the area
- The NCN67 would be rendered impassable by a raised crossing

The Brendan Ingle Foundation:

- Pedestrian access around the site entrance is already limited, and increased HGV traffic with limited vision would increase risks to runners, walkers and cyclists
- The proposal will add to traffic congestion along Barrow Road and at the roundabout feeding the M1 and Tinsley Viaduct

Public comments:

- The footpath is used extensively and increases people's health and wellbeing
- The proposal will reduce and disrupt cycle routes
- The development will make people hesitate to walk along the path
- Children, cyclists, runners, walkers, families and dogs will not be able to roam freely
- The NCN67 should have priority over any side roads or access roads
- There needs to be clearer priority for pedestrians and cyclists
- The shared cycle/footpath used to access the site is too narrow, and should be 5 metres wide, or there should be a segregated cycle lane within the road
- The new road should have protected cycle lanes
- 'Kissing gates' or any other kind of access barriers or controls do not provide equal access for mobility vehicles, trailers, tricycles and push chairs

- Pedestrians and cyclists would be put in danger by traffic crossing the road hump
- There needs to be a less intrusive way of accessing the site, without interfering with members of the public using the disused railway line
- The development will deter walkers and cyclists
- Workers should be able to access the site in a healthy way with good walking and cycling infrastructure
- The traffic count should have been carried out through the whole day rather than at rush hour only
- Walkers and cyclists will be at greatest risk from lorries and trucks in the middle of the day
- Construction traffic and day-to-day traffic resulting from the development will increase local congestion
- The development must preserve active travel facilities and improve health, and there is no evidence that the plans will achieve this
- The proposal prioritises the development and its vehicular access to the detriment of local cycle infrastructure
- The shared cycleway/footpath does not connect properly with the existing NCN67 route and is illegible
- The application references out-of-date cycle infrastructure standards
- The design is contrary to LTN 1/20 standards
- The site already has vehicular access from Fife Street, so there is no justification for an additional access
- The proposed roundabout is hazardous, as large vehicles existing the site will not have finished turning before they cross the NCN67, with visibility likely to be restricted
- The access road would destroy the amenity of the NCN67
- The Trans Pennine Trail is a safe haven for children and the changes proposed would change this
- We are in the midst of an obesity crisis, and taking away pedestrian routes for exercise would conflict with actions previously taken by Sheffield City Council
- Blackburn Road could become hectic and dangerous
- The proposal would stop much of the community's usage of the Trans Pennine Trail
- There are few quality cycle routes in Sheffield which are entirely separated from motor traffic
- The NCN67 is vital for those wishing to escape the ubiquity of cars
- The demands of cars and business should not be promoted over pedestrians and cyclists
- There should be unhindered traffic flow along the greenway
- The NCN67 is an 'arterial' cycle route, of importance equivalent to a vehicular A road
- The Department for Transport supports minimising the effort required to cycle by enabling cyclists to maintain momentum – a design with vehicle priority over the cycleway will not achieve this
- A large proportion of cycle fatalities and casualties occur within 20 metres of a junction
- The roundabout should have been designed to minimise impact on the NCN67, which pre-exists the access road design

- Whilst the Blackburn Valley Trail route is proposed for improvement via Connecting Sheffield investment, it makes no sense to downgrade another section of cycle path with an uncontrolled crossing
- The developer should provide lighting to the trail within their ownership boundaries
- The footbridge across the site should be upgraded to provide disabled access
- Revisions do not show that the issue of the NCN67 bisection has been addressed

Officer response:

Highway safety, traffic, active travel and implications for key public rights of way are all discussed in detail within the Planning Assessment below.

Residential Amenity

Councillor Ruth Mersereau:

- Breaking up and removing the concrete pads, bringing new materials on site and building the new development will be noisy and will take many months, causing unacceptable disruption to local residents
- There is insufficient detail of proposed construction traffic movements and operating hours

Councillor Dawn Dale:

- Investment should not be at a cost to residents' quality of life

Love Wincobank Campaign:

- Breaking up existing concrete pads and redistributing the crushed concrete will generate significant noise, vibration, dust and particulates which will impact on human, animal and environmental health
- An Environmental Health Report and Noise Impact Assessment should be provided
- The Environmental Impact Technical Note submitted contains little detail about the process of the enabling works including how the concrete will be broken up on site
- The application site is in the valley bottom, and noise naturally travels up the valley – when the previous steelworks were operational, noise from the hammers could be heard at the top of Wincobank Hill

Wincobank Connects:

- Noise from the development works will harm residents

Public comments:

- Residents will be harmed by increased traffic noise
- Noise pollution is already unbearable as some drivers don't adhere to the speed limit and the vibration of lorries can be felt as they speed down Blackburn Road

Officer response:

Impacts on residential amenity are discussed in full within the Planning Assessment below. As the application is for enabling works only, disturbance from the operational phase is not a material consideration, and disturbance from the development phase is of greater relevance to this proposal.

Pollution

Councillor Ruth Mersereau:

- The traffic generated by the proposal would affect local air quality in an area of existing health disadvantage

Love Wincobank Campaign:

- Air quality in Wincobank and Blackburn is poor due to its proximity to the M1, and Sheffield City Council's Air Quality Action Plan 2015 commits to improving health in areas where the pollution is elevated
- Air quality is estimated to account for up to 500 premature deaths per year in Sheffield
- A warehouse distribution centre without effective environmental mitigation will fuel a further increase in premature deaths

Wincobank Connects:

- The proposal will cause an increase in traffic fumes

The Brendan Ingle Foundation:

- The site will increase diesel particulate pollution close to a children's playground and the Trans Pennine Trail, increasing the risk of respiratory conditions and discouraging physical activity

Public comments:

- The proposal will result in dangerous emissions and pollution
- The development will worsen air quality further
- The construction process will also worsen air quality

Officer response:

Matters relating to pollution, including air quality and land contamination, are discussed in full within the Planning Assessment below. It should be noted that air quality impacts from the eventual employment development, including from traffic fumes, will be assessed under future applications and this application considers the impact of the enabling works only.

Climate Change

Trans Pennine Trail:

- There is no reference to the impact of future carbon emissions in terms of the dangerous levels already at junction 34 of the M1.

Love Wincobank Campaign:

- The breaking up of the concrete will result in the nearby ancient woodland being coated with fine dust, affecting the trees' ability to absorb carbon

CPRE Peak District and South Yorkshire:

- The priority to vehicles over users of the Trans Pennine Trail goes against more sustainable travel and is undesirable when the city has declared a climate emergency

Public comments:

- There is an opportunity to create a sustainable, low carbon development at the site if low carbon principles are used, including a rail connection for goods transfer

Officer comments:

The impact of the development on climate change mitigation and adaptation is a material consideration and is discussed in full below.

Ecology and Green Infrastructure

Trans Pennine Trail:

- The development will impact upon the green corridor around the Trail and connections to the Woolley Wood and beyond

Sustrans:

- This is a high biodiversity area due to the proximity of the Woolley Wood and the wildlife corridor created by the NCN67 – there should be further greening of the cycle route and green infrastructure corridors into the development to deliver net gain
- The development does not maximise opportunities for enhancement of the Blackburn Brook

Love Wincobank Campaign:

- The cycleway and footpath running through the site represent a vital green corridor for the community
- The vacant site has been reclaimed by nature in the last 10 years

Wincobank Connects:

- The breaking up of the concrete will result in the nearby ancient woodland being coated with fine dust, damaging the trees
- The noise and vibration from the work will have an adverse effect on wildlife

The Brendan Ingle Foundation:

- The air pollution created by increased traffic will have a negative impact on the Woolley Wood

Public comments:

- There should be better links for wildlife across the site
- Culverted watercourses should be exposed and should become wildlife corridors

- There should be a programme of tree planting to replace any trees to be removed
- The area is biodiverse and the proposal should seek to improve on this by providing links for wildlife
- The site is currently covered in scrub which supports a large insect population and provides food for the bird population – the development would destroy this habitat

Officer response:

The ecological impacts of the proposal, together with proposed mitigation and enhancement, are discussed in detail within the Planning Assessment below.

Flood Risk

Councillor Ruth Mersereau:

- The proposal will affect a floodplain, increasing the likelihood of local flooding, especially downstream of the development site, where Meadowhall has been badly affected
- Flood risks that hindered the previous application do not appear to have been addressed
- National flood risk policy should be followed, including sequential and exception tests

Councillor Dawn Dale:

- The proposal is contrary to national planning policy due to building on the active floodplain when other sites are available

Councillor Garry Weatherall:

- The Environment Agency has objected and the application goes against national and local planning policy

Love Wincobank Campaign:

- The promise of investment and jobs is not a sufficient reason to bring forward development in the areas of highest flood risk
- In the 2019 floods, water from the site gushed over the boundary wall to Fife Street
- If large water-incompatible warehousing units are erected, where is flood water going to go?
- The former factories on the application site flooded on a regular basis
- Who is going to insure these vulnerable units?
- Employment development should be delivered outside of the floodplain – given that there are options to deliver development and jobs elsewhere, the access road cannot be classed as essential infrastructure for flood risk purposes

Wincobank Connects:

- The area is already prone to flooding

- Whilst it may seem a good plan to break up the concrete to allow natural water absorption, nature is gradually doing the same job as woodland has been reasserting itself on the vacant site and will absorb flood water
- The site can resemble an enormous swimming pool and is not suitable for redevelopment

The Brendan Ingle Foundation:

- The site is a floodplain and development will increase flood risk, negatively affecting the lives of local residents

Public comments:

- The proposal would increase the risk of flooding rather than preventing further devastation
- New buildings on the site will trap flood water on or around the cycle path and make serious flooding more likely, rendering the route impassable
- Alongside de-culverting, additional flood storage areas should be provided alongside re-introducing natural bends to the river
- The northern end of the Blackburn Brook should be improved as well as the southern end

Officer response:

Flood risk, drainage and the impact on the Blackburn Brook are discussed fully within the Planning Assessment below.

Visual Impact

Love Wincobank Campaign:

- The visual appearance of the site is not a problem for local people as it is obscured from view and has gradually been reclaimed by nature – the stated improvements to the appearance of the site are not considered to be a benefit for local people

Public comments:

- Despite other objections, it is acknowledged that development would improve the appearance of the site

Officer response:

The visual impact of the proposal is discussed fully in the Planning Assessment below.

Extent of Consultation

Trans Pennine Trail:

- The Trans Pennine Trail national office did not receive direct notification of the application, and requested that the Council consult the office on all applications near the Trail
- The office has not been approached by the applicant to discuss the works

Sustrans:

- Planning notices were not placed on the greenway

Love Wincobank Campaign:

- Responses from statutory consultees should be shared in order for the community to respond in full to the planning application

Wincobank Connects:

- Few neighbours have been consulted, but the whole of lower Wincobank will be affected

Public comments:

- The local population has not been provided with adequate time and information to comment
- There are not enough site notices around the Trans Pennine Trail
- Notices are not in close enough proximity to the location of the cycleway crossing

Officer response:

The application has been advertised in full accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), as outlined above, including appropriately positioned site notices. The application has been live for over two years and has been re-advertised to ensure that the community has the opportunity to comment on amendments. Whilst internal consultation responses within the Council are not routinely published, responses from statutory external consultees are available to read on the Council's Public Access website.

Application Process

Sustrans:

- The application aims to begin the development of the site in a 'jigsaw-like' manner, piece by piece, which is unsustainable and undemocratic
- There should be an outline application for the whole site, including an Environmental Impact Assessment

Councillor Ruth Mersereau:

- Sheffield Green Party objects on the basis that the total impact of the transport and building works needs to be comprehensively assessed at this stage
- There needs to be proper scrutiny of the environmental and health impacts of the wider development, not just the enabling works
- There should be Environmental and Health Impact Assessments

Councillor Dawn Dale:

- Full plans for the site and Environmental and Health Impact Assessments should be submitted

Love Wincobank Campaign:

- An application for enabling works only is an attempt to deliver a 14-hectare warehousing site without proper scrutiny, mitigation or Community Infrastructure Levy contributions
- The applicants seem to have a long term plan for the site, so should submit a planning application that reflects the entire vision rather than just enabling works
- An Environmental Impact Assessment is necessary to assess the traffic and highway safety impacts of the development
- A Health Impact Assessment should be provided, considering local health inequalities and the impact of potential traffic, noise and pollution on people's health
- The uncertainty over the eventual development outcome is causing fear and stress for local people
- The application approach represents back-door, piecemeal, uncontrolled development
- It is anticipated that if this planning application is granted, the applicant will then submit a series of applications they will argue are of estate development scale, rather than a holistic strategy
- The applicant is clearly doing their best to avoid carrying out an EIA and to conceal the full impact of the development
- The cumulative impact of various future industrial developments on parts of the site would not be properly assessed in subsequent applications
- The applicants are not maintaining their site, as the fence along the Trans Pennine Trail has been down for several years and the public footbridge is closed due to safety concerns, so they should not be trusted through the application process

Wincobank Connects:

- Piecemeal development will slide under the radar and prevent meaningful consultation
- An Environmental Impact Assessment should be undertaken

Public comments:

- There should be an outline application for the development of the whole site, including an Environmental Impact Assessment and a Transport Assessment with proposals for mitigation
- It is unacceptable to bring proposals forward in a piecemeal way which disadvantages the community from commenting on the whole development
- The developer should be made to undertake an Environmental Impact Assessment and Health Impact Assessment
- It seems that the application has been designed specifically to avoid Environmental Impact Assessment
- The public should be aware of what the end product will look like – if the applicant does not know the final land use, they should not yet have submitted an application

Officer response:

The Local Planning Authority has a statutory duty to assess proposals on their own merits and cannot insist upon the type of application a developer chooses to

submit. Future phases of the eventual employment development at the site will also be assessed on their own merits, and the decision reached by Members in relation to this application will not prejudice the thorough assessment of future proposals. The need or otherwise for an Environmental Impact Assessment is discussed in the Planning Assessment below. Industrial developments are not liable for Community Infrastructure Levy payments, as set out in the Council's Charging Schedule.

RESPONSES TO DIRECT EXTERNAL CONSULTATION

Key statutory and advisory consultees from external bodies have been invited to provide comments on technical and other matters to inform the Local Planning Authority's eventual decision. External consultees' comments are referred to where relevant in the Planning Assessment below, but are also summarised here for clarity:

South Yorkshire Police:

- Supportive of the plans in general
- Historic data shows that premises in neighbouring sites have suffered from burglaries and thefts
- Recommendations provided for security fencing standards, lighting and other measures for pedestrian and cycle routes, and preventative measures to discourage illegal off-road motorcycling

Cadent Gas:

- There are gas pipelines and pipes in the vicinity of the site
- There are also above-ground gas sites and equipment nearby
- Guidance is provided in relation to works near this apparatus and the developer should keep Cadent informed as to development activities in the area

National Highways (formerly Highways England):

- The proposed enabling works traffic should not negatively impact on the strategic road network.
- It is not currently possible to specify the traffic movements associated with the proposal due to a lack of contractor at present
- Any planning consent should be conditional on the submission of a Construction Traffic Management Plan covering the duration of works on the site

Yorkshire Water:

- Object to site layout initially submitted due to proposed trees located in close proximity to the sewer crossing the site
- No trees should be planted within 5 metres of any public sewer, to protect them from tree root infestation which could damage the sewers
- The amended site layout resolves this issue, but the future development areas on the indicative masterplan may run over the sewers and the objection is maintained on this basis
- Sewers within the site should be surveyed to record their accurate positions, with relevant stand-off distances adhered to

Sheffield and Rotherham Wildlife Trust:

- Object to an application which does not include details of the future use of the site – the full application should include the whole development and an Environmental Impact Assessment
- The proposal for enabling works only could lead to piecemeal development
- The proposal is inappropriate in the functional floodplain as the development is not water compatible nor essential infrastructure
- The proposal would leave only a 1.2-hectare riparian corridor as non-developed land, with insufficient area left for flood water
- The proposal does not address Water Framework Directive requirements, including failing to address fish passage
- The enhancement of the Blackburn Brook falls short and should involve habitat improvements on both sides of the watercourse
- The biodiversity net gain calculated appears to be an overstatement
- Additional corridors of green infrastructure should be included to connect with the river corridor
- The proposal would disrupt a significant sustainable transport route
- The site should be used for truly sustainable development including creating an ecological 'space for water'
- Amendments to the geomorphology of the river channel are welcomed, but there are still shortcomings and missed opportunities including a limited buffer zone, the lack of enhancements to the river north of the proposed access road, and a lack of detail over condition assessments for each habitat
- Feedback from the Environment Agency is supported, plus a requirement for the buffer zone around the realigned Blackburn Brook channel to be 8 metres
- Other points of objection are not resolved by the amended plans

Rotherham Metropolitan Borough Council:

- No objections
- Consideration should be given to the implementation of measures to prevent mud on local roads
- A proposed Traffic Regulation Order to control the movement of HGVs along Droppingwell Road, between the A629 Upper Wortley Road and Blackburn Road, should also be given due consideration

Network Rail:

- No objection in principle
- Railway culverts that outfall onto the development site must not be obstructed
- Guidance provided in relation to works, excavations, fencing and landscaping near the railway boundary
- All matters should be communicated to the developer through directives on the decision notice

Environment Agency:

- Initial objection due to inadequate Flood Risk Assessment in terms of up-to-date baseline data, building footprint in Flood Zone 3a(i), lack of clarity over

- inclusion of access road and retaining walls in flood modelling, and flood risk mitigation measures
- Objection also issued over impact on Water Framework Directive requirements, including the construction of an access road over an existing culverted section of the Blackburn Brook, preventing de-culverting, and lack of more substantial restoration including channel realignment
- Concerns over initial Biodiversity Net Gain Assessment, with disagreements over the assessment of linear habitats
- Revised design drawings, flood modelling, Flood Risk Assessment and Water Framework Directive Assessment submissions have resolved the above issues and the Environment Agency have removed their objection subject to conditions
- Concerns remain over the Biodiversity Net Gain calculation, but this is not an objection issue

PLANNING ASSESSMENT

Policy Context

National policies are contained in the National Planning Policy Framework 2021 (NPPF). The following sections of the NPPF are relevant:

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision-making
- Chapter 6: Building a strong, competitive economy
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment

Further national policies can be found in the national Planning Practice Guidance (PPG) and the National Design Guide (2019).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Sheffield comprises the Sheffield Core Strategy (adopted March 2009) (formerly called the Sheffield Development Framework Core Strategy) and 'saved' policies from the Sheffield Unitary Development Plan (1998) (UDP).

The site is identified on the UDP Proposals Map as being within a General Industry Area with Special Industries.

The application of Sheffield's development plan policies must take account 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 (including where

they are inconsistent with the NPPF or where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), planning permission should be granted unless:

- i) 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*
- ii) 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.*

Paragraph 219 of the NPPF states 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. The appropriate level of weight afforded to Sheffield's relevant development plan policies is set out below, based on their degree of conformity with the provisions of the NPPF.

The following Core Strategy policies are relevant in this case:

- CS1: Land for Employment and Economic Development (moderate weight)
- CS2: Business and Industrial Development on Brownfield and Greenfield Land (moderate weight)
- CS5: Locations for Manufacturing, Distribution/Warehousing and other Non-office Businesses (significant weight)
- CS12: Blackburn Valley (significant weight)
- CS51: Transport Priorities (significant weight)
- CS53: Management of Demand for Travel (moderate weight)
- CS54: Pedestrian Routes (significant weight)
- CS55: Cycling Routes (significant weight)
- CS63: Responses to Climate Change (significant weight)
- CS64: Climate Change, Resources and Sustainable Design of Developments (significant weight)
- CS65: Renewable Energy and Carbon Reduction (significant weight)
- CS66: Air Quality (significant weight)
- CS67: Flood Risk Management (significant weight)
- CS73: The Strategic Green Network (moderate weight)
- CS74: Design Principles (significant weight)

The following UDP policies are relevant:

- BE4: Environmental Improvements (moderate weight)
- BE6: Landscape Design (significant weight)
- BE9: Design for Vehicles (moderate weight)
- BE22: Archaeological Sites and Monuments (significant weight)
- GE10: Green Network (significant weight)
- GE15: Trees and Woodland (moderate weight)

- GE17: Rivers and Streams (significant weight)
- GE20: Flood Defence (very limited weight)
- GE21: Protection of Washlands (significant weight)
- GE22: Pollution (significant weight)
- GE23: Air Pollution (significant weight)
- GE24: Noise Pollution (significant weight)
- GE25: Contaminated Land (significant weight)
- GE26: Water Quality of Waterways (significant weight)
- IB5: Development in General Industry Areas (significant weight in relation to the Blackburn Valley)
- IB9: Conditions on Development in Industry and Business Areas (moderate weight)
- T5: Protecting Rail Routes (significant weight)
- T8: Pedestrian Routes (moderate weight)
- T10: Cycle Routes (moderate weight)
- T28: Transport Infrastructure and Development (significant weight)

The following additional local policy and guidance documents are relevant:

- Climate Change and Design SPD
- Employment Land Review Update (2021)
- Strategic Flood Risk Assessment

The key planning issues in this case are discussed in full below, and are summarised as follows:

- Land Use
- Visual Impact
- Residential Amenity and Noise
- Highway Safety and Public Rights of Way
- Flood Risk, Drainage and the Blackburn Brook
- Ecology, Trees and Landscaping
- Pollution and Land Contamination
- Climate Change
- Safety and Security
- Employment and Skills
- Impact on the Railway
- Archaeology
- Environmental Impact Assessment (EIA)
- Community Infrastructure Levy (CIL)

Land Use

Policies CS1 and CS2 of the Core Strategy support land being made available for employment, economic, business and industrial development, with brownfield land being prioritised. These policies have only moderate weight as employment land reviews carried out for the Core Strategy are not up-to-date, but policy CS5 maintains significant weight based on its conformity with the NPPF. Policy CS5 directs manufacturing, distribution/warehousing and other non-office businesses to areas including (c) other established areas within the main urban area, including

the Blackburn Valley. Policy CS12 also supports these uses in the Blackburn Valley, along with environmental improvements to the Valley.

The application site is located in a General Industry Area as set out on the UDP Proposals Map. Policy IB5 of the UDP sets out that in General Industry Areas, general industry (class B2) and warehouses (B8) are preferred uses, with open storage and scrapyards being acceptable in those areas marked 'A' on the Proposals Map (being areas with Special Industries). Some industrial designations are out of date, with land uses being updated in the Core Strategy, but policy IB5 will continue to hold significant weight where the industrial designation is taken forward in the Core Strategy. In this case, policy IB5 can be afforded significant weight, as the Blackburn Valley continues to be a focus for manufacturing, distribution/warehousing and other non-office business as set out in policies CS5 and CS12 of the Core Strategy.

The application site represents brownfield ex-industrial land, and the proposal seeks to enable future development through a series of site clearance and preparation works, most notably including a new access road, flood mitigation and enhancement to the Blackburn Brook, as well as the formation of new site profiles with plateaus for new buildings. Although the proposal itself does not include details of the eventual land use, the applicant has made clear that the purpose of the works is to prepare the site for future development for employment use – this is explicit in the agent's cover letter submitted with the application, which indicates that the site can accommodate up to 51,000 square metres of floorspace. The Highways Note submitted to accompany the application includes a similar figure of 53,000 square metres of floorspace and indicates an expectation for the site to deliver 30% B2 (general industry) uses and 70% B8 (storage and distribution) uses. Future applications for development on the newly formed plateaus can be assessed on their own merits in terms of land use and will be expected to provide the preferred uses as described above. On this basis, the current proposal is in accordance with the development plan.

Sheffield's Employment Land Review (ELR) was updated in 2021 in preparation for employment land allocations in the emerging Sheffield Plan, the first draft of which has been approved by the Council for public consultation in 2023. The ELR identifies a need for between 176 to 242 hectares of employment land in the period to 2038, with approximately 25% to be office-based and 75% to be industrial or storage/distribution uses. The ELR considers 230 hectares to be the most reliable target within this range, and compared to current land availability, there is likely to be an undersupply of employment sites. The ELR sets out a particular need for strategic distribution and logistics development, with this sector being fast-growing in recent years, accelerated by the Covid-19 pandemic as online retail has ballooned. The ELR identifies a lack of 'big box' warehousing development allocations, with the city unable to accommodate large operators wishing to establish facilities in Sheffield. Consequently, the application site is proposed to be taken forward as an employment land allocation in the emerging Sheffield Plan.

Whilst the Sheffield Plan is at an early stage and carries little weight in decision-making, the ELR demonstrates that there is a need for employment development, and the application site would represent an ideal opportunity to improve the city's

logistics offer in a location easily accessible from the M1. The site is currently unmanaged and derelict, with flood risk constraints and inadequate access for larger vehicles (as discussed in the Highway Safety section below). Improvement, mitigation and enabling works would increase the likelihood of the site coming forward for the preferred employment uses in future and are welcomed in principle for that reason.

Paragraph 81 of the NPPF states:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

Paragraph 119 states that planning decisions should “promote an effective use of land in meeting the need for homes and other uses”, and paragraph 120 states that decisions should:

“c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”

Improvement works to enable redevelopment of this large area of employment land are clearly supported in principle by the NPPF and local policies, subject to detailed consideration of the technical matters discussed below.

Visual Impact

Policy CS74 of the Core Strategy sets out design principles for new development, including taking advantage of topography and townscape character, and contributing to place-making. Policy IB9(c) of the UDP requires buildings in General Industry Areas to be of a scale and nature appropriate to the site. These policies are considered to accord with the design principles in paragraph 130 of the NPPF.

Policy CS12 of the Core Strategy supports environmental improvements to enhance the physical attractiveness of the Blackburn Valley. Policy BE4 of the UDP supports environmental improvements in areas where the environment is unsatisfactory in areas including run-down industrial areas and the M1 corridor, with this policy holding moderate weight as priority locations for environmental improvements require review.

This application is limited to the enabling works required to facilitate future employment development. As such, no new buildings are proposed and the visual impact of the proposal will largely relate to landscape quality, which is discussed further in the Ecology, Trees and Landscaping section below. However, it can be said with confidence that the proposal would result in overall improvements to the physical appearance of the site, with clearance and remediation works serving to

tidy up the derelict land. Even Parcel 2, which is not vacant, is still blighted by overgrown vegetation and fly-tipping, and a cohesive approach to redevelopment, including updated security fencing, would improve the character of the area.

The new access from Blackburn Road would feature native tree and shrub planting, with an improved pedestrian and cycleway connection, providing a more welcoming threshold to the site. Works to the Blackburn Brook, including the creation of a floodplain habitat (discussed further below), would re-naturalise this part of the site, seen through filtered views from the NCN67 cycleway. New landscaped gabion retaining walls and/or vegetated retaining walls along the railway boundary would soften the site edges. The details of these retaining walls and other new boundary treatments including 2.4 metre security fencing can be secured through condition.

Overall, the visual impact of the enabling works is acceptable and in accordance with local and national design policies. Future development on the newly created platforms would be subject to detailed design assessment in subsequent planning applications.

Residential Amenity and Noise

Paragraph 130(f) of the NPPF requires developments to provide a high standard of amenity for existing and future users. Policy GE24 of the UDP also states that development must not create noise levels which would cause a nuisance, nor locate sensitive uses and sources of noise pollution close together. Policy IB9(b) states that development in industrial areas should not cause residents or visitors in any hotel, hostel, residential institution or nearby housing to suffer from unacceptable living conditions. The relevant sections of these UDP policies are considered to accord with the provisions of the NPPF and are therefore afforded significant weight.

The site is sufficiently isolated from neighbouring residential development to avoid any harm to residential amenity through overshadowing or overlooking. Noise and other nuisance impacts of future employment development on the site, including traffic noise, are not a material consideration, as the future employment uses themselves will be subject to consideration in subsequent planning applications. As such, a Noise Impact Assessment would be premature at this stage.

However, there is potential for noise, vibration and dust during the undertaking of the enabling works, including the breaking up of existing concrete pads. The Environmental Protection Officer has therefore requested that a Construction Environmental Management Plan (CEMP) be secured through condition, to assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses. The CEMP 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. Subject to this condition, the impact on residential amenity is considered to be acceptable.

Highway Safety and Public Rights of Way

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112 states that development should give priority first to pedestrian and cycle movements, and that development should minimise the scope for conflicts between pedestrians, cyclists and vehicles, as well as allowing for the efficient delivery of goods and access by service and emergency vehicles.

The Council's transport priorities are set out in policy CS51 of the Core Strategy as follows:

- a) promoting choice by developing alternatives to the car
- b) maximising accessibility
- c) containing congestion levels
- d) improving air quality
- e) improving road safety
- f) supporting economic objectives through demand management measures and sustainable travel initiatives.

Policy CS53 of the Core Strategy requires travel demand to be managed to meet the needs of different areas of the city, including promoting public and active transport, implementing Travel Plans, and applying parking standards. Policy BE9 of the UDP requires developments to provide a safe, efficient and environmentally acceptable site layout, including a clear definition of vehicle access and exit, adequate manoeuvring and parking space (including for service and emergency vehicles and for people with disabilities) and adequate safeguards from traffic fumes, noise or risk of accident. Policy IB9(f) requires developments in industrial areas to be adequately served by transport facilities, with safe access to the highway network and appropriate off-street parking. These policies are afforded moderate weight, as paragraph 105 of the NPPF goes further in seeking to actively limit travel demand.

Policy T28 of the UDP states that new development which would generate high levels of travel will be permitted only where it could be served adequately by existing or additional/extended public transport and by the existing highway network, and development will be promoted where its location would reduce the need for car travel, being in conformity with the spirit of the NPPF.

The traffic impacts, parking requirements and plot-specific access arrangements of eventual employment development will be assessed under future planning applications and are not directly relevant to this proposal. An indicative model of expected future vehicular movements has been carried out on a high-level basis to inform the design of the new access road, but this does not prejudice the detailed assessment required for future applications. The main highway safety issues relevant to this application are the design of the new access road and the impact on public rights of way, including the NCN67 cycleway. Vehicle and cycle parking provision is not discussed as part of this application for enabling works, as appropriate parking arrangements would be expected to form part of future applications for individual development plots. Discussions over highway safety are broken down into key elements below:

Impact on the Highway Network

Without prejudice to future applications for the new development plots themselves, a Highway Note submitted to support the application includes an indicative assessment of trip rates based on an expectation that the development can accommodate up to 53,000 square metres of employment floorspace. The assessment has been undertaken on the basis of 30% of floorspace being in general industrial use (class B2) and 70% being storage or distribution (class B8). The assessment was carried out to inform the design of the new access road. The assessment concludes that the local area has a good standard of carriageway and footway provision, with no capacity or safety issues that would impact on a scheme coming forward, and that the expected trip generation would not be harmful to the wider highway network.

Highways England (now National Highways) commented to confirm that they did not anticipate any negative impact on the strategic road network as a result of the enabling works traffic. However, in terms of works traffic during the development stage, there are still unknown details as a contractor has not yet been appointed. A Construction Traffic Management Plan has been requested as a condition of a planning consent, covering the duration of works on the site to ensure that vehicle movements can be controlled and will not lead to a negative impact on the strategic road network. In cooperation with the Local Planning Authority, Highways England agreed to integrate the construction traffic management measures into the CEMP condition required for residential amenity reasons as discussed above. Subject to this condition, there are no concerns over wider traffic and safety impacts of the enabling works.

Justification for the New Access

The creation of a new access from Blackburn Road has been the subject of much concern from interested parties, due to the necessity for the access road to cross the Trans Pennine Trail, as discussed in greater detail below. As such, before discussing the design and safety of the new access, it is necessary to consider the need for the access as part of the overall enabling works, and whether it is essential to facilitate future development.

At present, vehicular access to Parcel 1 is limited to Fife Street, which is a single carriageway route with height restricted rail bridges overhead. Whilst the site has had a long-standing industrial use, it has been vacant for over 10 years. The site previously had rail spurs which reduced road traffic, but rail connections are now understood to have been removed. Heavy goods vehicles (HGVs) were also historically much smaller than current HGV sizes, so the height restricted bridges were less of a concern. Modern HGVs can typically reach heights above 4 metres, rendering the Fife Street access entirely unsuitable. Additionally, if the Fife Street access were to remain the only vehicular access into the site, the approach from the west would pass residential properties with potential for greater disturbance, and this route also involves a significant detour to access the M1. For these reasons, a new access is essential to facilitate high quality employment development with strategic connections to the M1 and capacity for large vehicles.

The Fife Street access would retain a key function for smaller vehicles.

Any new connection to the site from the west would require bridging over the railway line and significant destruction of ancient woodland. As such, the new access must come from the east of the site, and the NCN67 cycleway runs along the entire eastern boundary of Parcel 1, rendering redevelopment virtually impossible without some form of access across the Trans Pennine Trail. Whilst this is regrettable, it is the only way to facilitate the effective use of this substantial parcel of land and bring further investment and jobs to the Blackburn Valley. As discussed below, it is considered that careful design can ensure that the impact on the Trail is limited and mitigated, retaining a safe and attractive active travel corridor.

Design of the New Access

The access road has been designed for the site capacity estimations discussed above and based on detailed studies of the traffic environment on Grange Mill Lane and Blackburn Road. The Highway Note identifies that vehicles frequently drive faster than the 30mph speed limit, and so the junction design ensures generous sight lines for vehicles exiting the site onto Blackburn Road, exceeding the normal requirement for a 43-metre sight line in 30mph zones, and with advance junction signage and slow markings provided to achieve traffic calming towards the junction. Swept path analysis has also been provided to demonstrate that the access is wide enough for two articulated vehicles to pass each other.

The Highways Officer is generally satisfied with the design of the access, although a proposed new pedestrian crossing on Blackburn Road, north of the junction with New Droppingwell Road, did raise concerns in terms of the narrow running lanes either side of the pedestrian refuge, which would be very tight for HGVs. It has been agreed that a revised design for this crossing, perhaps involving widening the road at this point or adopting a raised crossing style similarly to the crossing proposed further south on Blackburn Road, can be secured through condition. The crossing has been removed from the plans, with an annotation added in its place to indicate that this element will be finalised through condition.

Subject to conditions requested by the Highways Officer, it is considered that the design of the vehicular access would not cause any additional safety risks on Blackburn Road. The design of the intersection with the Trans Pennine Trail within the site is discussed in detail below.

Trans Pennine Trail Crossing and Active Travel Connections

In the context of promoting healthy and safe communities, paragraph 100 of the NPPF states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. Paragraph 104(c) encourages the identification and pursuit of opportunities to promote walking, cycling and public transport.

Policy CS12 of the Core Strategy supports environmental improvements to enhance walking and cycling access in the Blackburn Valley. Policy CS54 seeks to

improve the pedestrian environment, including walking routes along the corridors of the Strategic Green Network, and policy CS55 supports the improvement and development of the cycle network, including through the Blackburn Valley. Policy T8 of the UDP states that the safety, convenience and attractiveness of footpaths and pedestrian areas will be improved. Policy T10 states that the safety, convenience and attractiveness of cycle facilities and routes will be improved.

The development affects the NCN67 cycleway, which forms part of the strategic Trans Pennine Trail network, as well as the SHE/391 public right of way footpath. As discussed above, vehicular access from Blackburn Road is essential in order to enable the development of this site, due to the inadequacy of the Fife Street access for larger vehicles. The bisection of the Trans Pennine Trail is therefore unavoidable if suitable vehicular access to Parcel 1 is to be achieved. The impact on key cycle and pedestrian routes has been one of the most prominent sources of objection to the proposal from local residents and interest groups. It is essential to ensure that the proposal does not endanger pedestrians and cyclists, nor significantly lessen the quality of the Trans Pennine Trail, in the interests of sustainable and healthy travel and the protection of leisure routes. As such, in the first instance, planning and highways officers have sought to retain pedestrian and cycle priority at the point of intersection.

A Highways Note submitted with the planning application includes surveys of pedestrians and cyclists using the Trans Pennine Trail. The counts show that at weekday morning peak times, there is an average of 1 pedestrian or cycle movement per four minutes, and in the afternoon/evening peak there is an average of 1 pedestrian or cycle movement per 2.2 minutes. Overall, weekday surveys showed 295 two-way pedestrian or cycle trips per day, and weekend surveys showed 305 two-way trips.

Based upon indicative proposals for the development site, it is anticipated that vehicular traffic flows on the proposed access road will be 1 per minute in the morning peak, and 1 per 1.2 minutes in the afternoon/evening peak. Daily flows are estimated at 703 two-way trips, of which 134 are expected to be HGVs. As such, vehicular traffic flows following the eventual development of the site for employment uses are expected to surpass existing active travel flows along the Trans Pennine Trail.

Although a pedestrian/cycle priority crossing would have been desirable, the applicant's highways consultants have concluded that pedestrian/cycle priority would not be suitable in this location, due to the proximity of the new roundabout junction and the anticipated movements associated with the future development. With the crossing point being approximately 5 metres from the edge of the roundabout, the roundabout could become blocked if exiting vehicles were stopped by users of the Trans Pennine Trail, causing a highway safety issue.

It is acknowledged that, without pedestrian/cycle priority being retained at this intersection, the access road would cause some disruption to the Trans Pennine Trail. However, this disruption would be minor. Vehicle speeds are anticipated to be low, at around 20mph, on approach to the roundabout, with clear intervisibility between users. At 20mph, a vehicle would clear the crossing area in 2.5 seconds,

causing only a very minimal delay to a walker or cyclist. The crossing is designed to provide an at-grade crossing point with a raised and coloured table, minimising the disruption to the Trans Pennine Trail and emphasising the cycleway crossing for approaching vehicles. Advance signage will be provided on all approaches to alert both drivers and pedestrians/cyclists to the upcoming crossing. Whilst the initial crossing design failed to clearly reference the most up-to-date design standards for cycle infrastructure, the design of the crossing has since been revisited, including providing segregation between the cycle crossing and pedestrian crossing, and the Council's Highways Officers are now satisfied that the proposal is in accordance with the Department for Transport's LTN 1/20 guidelines. As such, cyclists and walkers would not be put at risk by the intersection with the new access road, subject to the development being carried out in accordance with the amended crossing design.

The SHE/391 public footpath would be retained and would be upgraded to a wider shared pedestrian/cycle route where it currently abuts the existing crane storage facility. This would provide the main pedestrian/cycle access to the site from Blackburn Road. Some objectors have raised concerns that the shared pedestrian/cycle route should be wider. However, the plans show that the path would be widened to 3 metres, which meets the minimum standard for a shared use route carrying up to 300 pedestrians and 300 cyclists per hour, as set out in the LTN 1/20 guidelines. It is not anticipated that pedestrian and cycle traffic would exceed this figure, and whilst an even more substantial widening may have been desirable, the applicant has explained that increasing the size of the path would impact upon the surface water attenuation basin for the access road (which is within the landscaped area adjacent to the path), thus having implications for drainage rates. The case officer and Highways Officer are satisfied that this route would be safe for all users and represents an appropriate upgrade to the existing footpath.

In response to separate concerns over accessibility, a 'kissing gate' shown where the SHE/391 footpath meets the pavement on the north side of the access road has been amended to an Aston 2-way gate with access for medium and large mobility vehicles. Objectors have also requested that the public footbridge over the site (forming part of the SHE/391 route) be re-opened and made more accessible. The bridge is currently closed for health and safety reasons and there are no proposals to replace it as part of the current application. However, the developer has indicated that a replacement public route through the site in the location of the existing footbridge is likely to be included within a future application for that development plot, and officers will seek to ensure that the improvement is secured at that point. The developer would need to seek approval from the Public Rights of Way team if there was any intention to remove the bridge prior to the submission of a future planning application.

Overall, whilst the minor disruption to the Trans Pennine Trail route is not desirable, this could not be avoided, and the design of the crossing has been revised to ensure compliance with the latest cycle and pedestrian infrastructure guidelines. No pedestrian or cycle routes would be lost as a result of the development. The Council is satisfied that the safety of pedestrians and cyclists would not be put at risk, and that waiting times for trail users would be minimal at

the crossing. Additionally, it can be acknowledged that improved site management and substantial landscaping and ecology works (discussed below) will provide positive enhancement to the Trans Pennine Trail, due to the creation of a more attractive surrounding environment. The proximity of public footpaths and cycleways is also a significant advantage in terms of encouraging future employees to travel to work via sustainable and active means of transport. The proposal is therefore acceptable in terms of active travel.

Flood Risk, Drainage and the Blackburn Brook

The application site falls entirely within Flood Zone 3 on the Environment Agency's Flood Maps. Parcels 1 and 2 of the site are identified as being in Flood Zone 3a(i) within the Council's Strategic Flood Risk Assessment (SFRA), being developed floodplain. The NCN67 is seen to be in Flood Zone 3b, being undeveloped functional floodplain. Industrial development is defined in the Planning Practice Guidance as being a 'less vulnerable' use, being appropriate within Flood Zone 3a but not within Flood Zone 3b. However, essential infrastructure can be acceptable within Flood Zones 3a and 3b if an exception test has been passed.

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 (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 162 sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding, and development should not be permitted if there are reasonably available sites in areas with a lower risk. Paragraph 163 states that if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. Paragraph 164 states that the exception test at application stage should be informed by a site-specific flood risk assessment, and it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Policy CS63 of the Core Strategy states that action to adapt to expected climate change will include (g) locating and designing development to eliminate unacceptable flood risk and (i) adopting sustainable drainage systems. Policy CS67 sets out measures to reduce the extent and impact of flooding, including by (b) requiring the use of Sustainable Drainage Systems (SuDS), (f) not increasing and, where possible, reducing the building footprint in areas of developed functional floodplain, (h) developing only water-compatible uses in the functional floodplain, and, where an overriding case remains for development in a high flood risk zone, (p) providing adequate on- and off-site flood protection measures. Policy CS67 has moderate weight, as the details in the policy broadly conform with the NPPF but without the focus on sequential and exception tests.

Policy GE17 of the UDP states that all rivers and streams will be protected and enhanced, including by (a) encouraging the re-opening of culverted watercourses and (b) requiring that development involving alterations to the channels of rivers and streams be designed in a way which is sympathetic to nature conservation, and policy CS67(e) of the Core Strategy also encourages the removal of existing culverting. Policy GE26 states that development will be permitted only where it would not cause damage to the waterway environment and people's appreciation of it, and that every effort will be made to enhance the environmental value of waterways, with priority given to rivers including the Blackburn Brook.

Policy GE20 states that development will not be permitted where flooding risks to it or to existing development would not be overcome by suitable on-site protective measures, and that where necessary, off-site prevention measures will be required. Policy GE20 has very limited weight when compared to the provisions of the NPPF, due to its emphasis on on-site measures and its lack of detail which has been largely filled by policy CS67.

Policy GE21 states that development will be permitted in washlands only where (a) it would not significantly affect the ability of the washland to store floodwater, and (b) there would be no serious risk to the development from flooding or pollution. Washlands are defined as areas of land next to rivers which are essential for the storage of floodwater, being essentially the same as functional floodplain. The NPPF does not mention washlands, but its principles are similar and so policy GE21 has significant weight.

Flood risk and drainage issues relating to this application include the acceptability of development in the floodplain in policy terms, impacts on and enhancements to the Blackburn Brook, and the overall drainage strategy for the site.

Development in the Floodplain

A Flood Risk Assessment (FRA) and Drainage Statement was submitted to support the application. The primary flood risk is identified as being fluvial flooding from the Blackburn Brook, with some areas of high pluvial risk in rainfall events. Finished floor levels of the eventual proposed buildings are proposed, to sit 600mm above the expected river level in a 1 in 1000 year flood event, plus climate change allowance. Flood contingency plans and flood evacuation procedures are set out, as the access road would still have the potential to flood. It is proposed to discharge surface water to the Blackburn Brook, with SuDS principles employed to reduce discharge rates through attenuation techniques, including a balancing pond, permeable car park surfacing, filter drains, underground tanks and swales. A hydraulic modelling assessment of the Blackburn Brook is included and it is claimed that the impact of the development on the Blackburn Brook would be negligible. The FRA also assumes that the SFRA description of the site as falling within Flood Zone 3a(i) is correct and accurate.

The Environment Agency (EA) objected to the application as originally submitted, raising questions as to the assessment of the site as being in Flood Zone 3a(i). The Council's SFRA dates back to 2008, but the site has now been clear of

buildings for over 10 years. The SFRA states that Zone 3a(i) relates to sites within which there are existing buildings that are impermeable to flood waters, yet this site has been clear for some time, so the EA considered it to be essentially acting as undeveloped floodplain akin to Flood Zone 3b. Even in Flood Zone 3a(i), the SFRA states that developers must seek to reduce the risk of flooding “by reducing the building footprint”, reflecting policy CS67(f) of the Core Strategy. The EA considered the FRA to be erroneous in using a 2007 baseline for the modelling study, being from a time when the site still contained buildings. Significant changes since the time of this baseline have seen the cleared site now performing a flood storage function which would be effectively lost as a result of redevelopment. The EA also identified that the proposed finished floor levels for the development plots would be inadequate when compared to the EA’s 2016 Blackburn Brook model, and that the balancing pond may be unable to perform its surface water retention function at times of flooding due to the pond itself potentially being flooded from fluvial sources.

An amended FRA was submitted in May 2021, based on revised flood modelling. Following this, dialogue continued between the applicant’s project team and the EA for several months to resolve outstanding concerns and to allow for a detailed EA review of the flood modelling. A further amended FRA and flood modelling assessment were submitted in June 2022. The updated modelling, now based on a 2020 baseline, still shows that the development would not negatively impact upon the Blackburn Brook, when undertaking enhancement and realignment works discussed in greater detail below. Water levels would be marginally increased downstream of the site boundary, most notably at the Forged Solutions site upstream of Meadowhall Interchange, but this would be less than 100mm and the two small areas of new flooding would not affect any buildings on the site. The impact is not judged to tangibly change the level of flood risk to the Forged Solutions site or the surrounding areas. Following this period of engagement and the submission of amended flood modelling, the EA have removed their objection, subject to the development being carried out in accordance with the flood mitigation works set out in the FRA.

In policy terms, the proposal is now considered to be acceptable. It can be argued that the enabling works would represent essential infrastructure, being critical to enable suitable vehicular access and flood risk mitigation so as to facilitate development for employment uses. As the Employment Land Review (ELR) demonstrates, there is a clear need for warehousing and distribution development in Sheffield, and this site is of key importance in meeting the demand. Essential infrastructure can be accepted in Flood Zones 3a or 3b subject to the sequential test. However, the infrastructure would only be appropriate if the eventual employment development itself is likely to be acceptable in future.

Whilst the SFRA describes Flood Zone 3a(i) sites as having “existing buildings” that are impermeable to flood waters, it is essentially the permeability of the site which makes the most practical difference to flood risk characteristics, and although buildings have been removed from the site, it is still covered with impermeable concrete slabs. The application proposal includes the creation of a landscaped floodplain which would reduce the impermeable area around the Blackburn Brook. With the EA now satisfied with the up-to-date flood modelling, it

is anticipated that the flood mitigation works should reduce flood risk on the site to the extent that it can be confidently regarded as falling within Flood Zone 3a, meaning that industrial ('less vulnerable') development would become acceptable in principle under the provisions of the Planning Practice Guidance. Reducing the impermeable area of the site would accord with the spirit of policy CS67(f). Following the completion of the flood mitigation works, any future applications for employment development will likely require the submission of updated flood risk modelling, to demonstrate that the enabling works have sufficiently decreased the risk of flooding for the proposed uses. As requested by the EA, a directive on the decision notice can communicate to the developer that future built development will require new modelling to review the Flood Zone designation.

In terms of the sequential and exception tests, the applicant submitted a statement in January 2023 to argue that the development proposal is inherently site-specific and cannot be assessed sequentially in the normal way, given that only enabling works are proposed at this stage. By definition, there cannot be other sites available, as the sole purpose of the application is to enable the future development of a site allocated for employment uses in the draft Sheffield Plan. Even if applying the sequential test for employment development, an equivalent site of approximately 11 hectares would need to be found in order to ensure that the city meets its development needs as set out in the ELR. The draft Plan preparation has included searches for alternative strategic sites, and only one other employment site of comparable size is proposed for allocation in this part of the city, yet that site has already been largely built out. For the exception test, the wider sustainability benefits are considered to be the facilitation of future employment development to meet essential needs, as well as environmental improvements. The amended FRA has successfully demonstrated that the development will be safe and will not increase flood risk elsewhere. The Council is now satisfied that the applicant's statement has satisfied policy requirements for sequential and exception tests. Overall, the development is acceptable in terms of flood risk and is in accordance with policies CS67(f) and GE21.

Restoration and Enhancement of the Blackburn Brook

The application includes hydrological works to the Blackburn Brook, with enhancement through the removal of bridges and culverts and lowering of the eastern embankment to alleviate flood risk and create a landscaped floodplain. The floodplain is intended to uphold higher water levels and slow down the flow of stormwater by allowing infiltration into the ground, as well as delivering ecological improvements including aquatic habitat creation.

Whilst these proposals go some way to meeting the objectives in policies GE17, GE26 and CS17(e), the EA objected on the basis that the improvements to water biodiversity and the wetland environment did not go far enough in terms of meeting Water Framework Directive (WFD) requirements which would be essential to achieving an EA Flood Risk Activity Permit. The EA felt that the development could prevent the achievement of Good Ecological Potential due to the access road being constructed over an existing culvert, preventing the reversal of the substantial loss of watercourse habitat due to the existing culvert. The Blackburn Brook is designated as a Heavily Modified Water Body and is currently failing to

meet objectives. The achievement of WFD objectives will require additional measures such as improving in-channel morphological diversity, removing existing barriers to fish passage, and removing or softening hard banking. Specific to the Blackburn Brook, it is expected that the previously straightened and channelised section of the water body should be realigned, re-profiled and re-graded. The proposed development represents the best opportunity to achieve WFD objectives, but the initial proposal would have prevented the future achievement of these directives by bringing forward an insufficiently ambitious enhancement scheme commensurate with the scale of the development.

The applicant submitted a WFD Compliance Assessment in 2021, together with amended plans including the realignment of the Blackburn Brook. It is set out that river continuity will not be affected, that a small area of replacement culvert will have a larger opening, and that approximately 215 metres of the old channel will be daylighted, with benefits for longitudinal ecological connectivity. Planform rehabilitation will create a wide area of wetland habitat to ensure good lateral connectivity between the river and the floodplain. The realigned channel would retain the current river width of approximately 4 metres, and the riparian zone would be improved with a wide buffer ranging from 2 metres to 20 metres through the realigned section, including wetland scrapes to enhance ecological diversity. Although the buffer is less than the normal 8 metres requested by the EA in places, this is only present on a section of the right bank which is disconnected from the river laterally, being of less ecological significance. The WFD Compliance Assessment concludes that whilst the original design would have enhanced the local river environment, it would not have delivered the mitigation measures necessary to achieve WFD compliance and would not have rehabilitated many of the hydromorphological supporting elements through the site. The updated proposals, with more substantial channel realignment, are presented as being compliant with the WFD.

The EA are satisfied with the amended proposal in terms of WFD compliance and have removed their objection subject to a condition securing the restoration and enhancement of the Blackburn Brook as set out in the WFD Compliance Assessment and the amended plans. The EA have also requested a condition to ensure the acceptable design of the replacement culvert section so as to ensure that its ecological and geomorphological impacts are limited. The works to the Blackburn Brook are now deemed acceptable and are viewed as a significant benefit of the scheme, being aligned with policies GE17, GE26 and CS17(e).

Drainage Strategy

A Drainage Strategy was included with the FRA, incorporating preliminary proposals for surface water discharge to the watercourse at brownfield rates, with attenuation within the development plots to reduce the discharge rate. The Lead Local Flood Authority (LLFA) raised concerns with the Drainage Strategy, as the underlying principles and assumptions had not yet been agreed. It was considered that the basis for a brownfield site approach had not been adequately demonstrated (as the site has been vacant for so many years), and that the bases for the calculations of the brownfield rate were inadequate. A brownfield approach could only be agreed if the applicant could demonstrate that the site discharges to

the watercourse as existing, but insufficient survey work has been undertaken to reach this conclusion. The approach to flow reduction was not considered to fully correspond with the Council's requirements, and climate change allowances were not up to date. The proposals did not indicate how existing drainage infrastructure and flow routes would be affected by the development.

A meeting between the LLFA and the applicant's drainage consultants was held in January 2023. It has been acknowledged and agreed that the final drainage design will depend on the findings of detailed site survey work which can only take place once existing concrete slabs have been broken up to allow for ground investigations. The site clearance element of the development must therefore commence before the eventual drainage strategy can be properly finalised. Therefore, the detailed design must be left to condition, worded to ensure that the appropriate investigation and drainage approval is undertaken at the appropriate phase.

The LLFA and the drainage consultants have broadly agreed the following principles for the drainage strategy, to be finalised at condition stage:

- A brownfield approach is likely to be acceptable in principle, as evidence submitted to date suggests that a large number of existing surface water outlets discharge into the Blackburn Brook.
- Due to current site conditions, it will be difficult to establish an exact brownfield rate until the building slab has been removed and a ground penetrating radar survey carried out. The LLFA will accept proposals for greenfield discharge rates (Q_{bar}) in the event of areas of the site being brought forward prior to full surveys.
- The footprint of the Blackburn Brook improvement corridor can be excluded from brownfield rate calculations and discharge calculations, as this area will freely drain to the Blackburn Brook.

Yorkshire Water have objected twice during the course of the application. On 6 October 2020, they objected on the basis that proposed tree planting would interfere with existing sewerage infrastructure. In comments subsequently received on 18 May 2021, they raised concerns about the locations of future development plateaus in relation to sewers present on statutory records, requesting that sewers be properly surveyed to record their accurate positions and allow for the relevant stand-off distances to be adhered to.

A full written response to the comments from the LLFA and Yorkshire Water was submitted on 25 January 2023. The drainage strategy reflected the approach agreed in the meeting with the LLFA. In response to Yorkshire Water's concerns, the document also provided additional clarification on the location and depth of existing sewers to the extent that is ascertainable at this stage, with broad commitments to protecting and diverting sewers as necessary. The agreed drainage conditions will involve proper surveys of existing infrastructure, and directives can also be included on the decision notice to remind the developer that existing sewers must be properly protected, with stand-off distances adhered to

and Yorkshire Water's prior approval sought for any diversions.

Although Yorkshire Water maintain their concerns over the lack of surveys undertaken to fully establish existing drainage systems and design the layout around that infrastructure, it is felt that requesting additional surveys prior to determination would be unreasonable and impracticable, as full investigation is reliant on construction of a vehicular access suitable for large vehicles to enable the breaking up of the existing slabs, all of which can only take place after the granting of planning permission. Yorkshire Water will have due oversight of works affecting public sewers under separate legislation at the relevant development stage. Subject to the necessary conditions and directives, the proposal is acceptable in terms of sustainable drainage.

Ecology, Trees and Landscaping

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, including by protecting and enhancing sites of biodiversity, recognising the economic and other benefits of trees and woodland, and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks.

Policy GE10 of the UDP provides for the protection and enhancement of a network of green corridors and green links. Policy CS12 of the Core Strategy encourages environmental improvements to the Blackburn Valley, including biodiversity enhancements. Policy CS73 states that a Strategic Green Network will be maintained and where possible enhanced, including in corridors through the Blackburn Brook valley. Policy CS73 has moderate weight, as whilst the strategic ecological aims are aligned with the NPPF, there is less of a focus on biodiversity net gain and specific measures to enhance biodiversity.

Policy BE6 of the UDP promotes good quality landscape design, with applications expected to provide relevant information relating to new planting, achieve an interesting and attractive environment, integrate existing landscape features into the development, and promote nature conservation and native species. Policy GE15 states that trees and woodlands will be protected by planting, managing and establishing trees and woodland, requiring developers to retain mature trees and hedgerows, and not permitting development which would damage existing mature and ancient woodlands. As discussed above, policy GE17 sets out to protect and enhance rivers and streams, including channel alterations being designed in a way which is sympathetic to nature conservation.

As discussed above, the amended scheme achieves significant watercourse restoration which would involve the enhancement of the Blackburn Brook, with channel realignment and the creation of a landscaped flood plain, achieving WFD directives including a key focus on ecological improvement. Notwithstanding the obvious benefits of the river enhancement, the site as a whole is still required to protect other habitats and trees, and to achieve a biodiversity net gain across the full scope of the enabling works.

An Ecological Assessment was submitted to accompany the application, based on

desk-based research and a field study from 2019. No roosting bats were found on site, and the site was found to have low suitability for commuting and foraging bats. However, the site was established to be of local importance for breeding birds. Some invasive species such as Himalayan balsam and entire-leaved cotoneaster have been found and proposals for eradication of these plants are included. A lighting schedule, a Construction Environmental Management Plan (CEMP) and a 30-year biodiversity plan are proposed to ensure the protection of any significant native species. The CEMP will include measures to protect off-site woodland from dust cover and pollution.

A further suite of updated ecology surveys was carried out throughout 2022, as survey results are only valid for a period of 18 months. Updated bat surveys concluded that the site has moderate value for bats, with linear habitat retention proposed to mitigate any disturbance to bats. The Council's Biodiversity Officer considered the updated surveys, submitted in January 2023, to be generally acceptable, although it was questioned whether the mosaic of scattered scrub, ruderal, ephemeral and short perennial vegetation around the sealed surface would meet the criteria for 'Open mosaic habitat on previously developed land' (OMH) classification, as this did not appear to have been considered. A response from the applicant's ecologists confirmed that not all five of the criteria for OMH classification were met, as a mosaic of early successional communities plus bare substrate was not present on a large enough part of the site, no areas of standing water (ephemeral pools) were present, the substrate was vastly dominated by hardstanding, and other habitats mentioned within the OMH criteria were not present. Furthermore, environmental maps detail the presence of OMH within the surrounding area but not on the site itself. The Biodiversity Officer is satisfied with the explanation provided and therefore considers that the survey reports accurately reflect the existing biodiversity value of the site.

A Biodiversity Net Gain Assessment was submitted with the application, showing a 9.83% net gain in habitat units and 282.16% net gain in hedgerow units based on the site baseline and development proposals, using DEFRA Biodiversity Metric 2.0. However, the EA identified that the submitted Assessment did not include a proper pre- and post-development survey of linear river habitats on the site, resulting in an incomplete picture of biodiversity value. An amended Assessment from April 2021 showed that the development would create 0.75 river habitat units, but the site baseline still did not show any existing river habitat. The Assessment was revised again in June 2021 in response to comments from Sheffield & Rotherham Wildlife Trust in terms of assessment methodology. Whilst the EA have removed their main objections and now acknowledge that the development would represent an ecological improvement upon the existing scenario, their most recent comments (July 2022) maintained that the Biodiversity Net Gain Assessment was incorrect on the basis that no river units are shown on the pre-development baseline, despite the Blackburn Brook running through the site as existing. Therefore, it was unclear how the result of +0.75 river units was reached.

The final Biodiversity Net Gain Assessment was submitted in January 2023, including a full baseline assessment of river habitat. The headline results are a 19.4% net gain in habitat units, a 189.19% net gain in hedgerow units, and a 12.98% net gain in river units. The Council's Biodiversity Officer was satisfied with

the amended Assessment, although concerns were raised over 'pinch points' where landscaping adjacent to the railway boundary was very narrow, restricting linear connectivity. However, the Biodiversity Officer has accepted the narrower sections on balance, given the scale of overall enhancements and the position of the western boundary immediately adjacent to the railway buffer where some existing scrub habitats will contribute to connectivity. Additionally, the trading rules of the biodiversity metric are not fully satisfied, as any loss of habitat should normally be replaced on a 'like for like' basis, yet the post-development habitats cannot fully compensate for the loss of pre-development scrub and shrub cover. However, the Biodiversity Officer accepts that this is a minor loss compared to the large gain in area habitat units through the creation of riparian habitat along the Blackburn Brook and the extensive landscaping and hedgerow creation. Overall, the scheme is considered to deliver significant ecological improvements.

An Arboricultural Impact Assessment has been submitted, with 107 trees or tree group features being surveyed across the site. Most existing trees are classed as "low quality" tree cover, comprising mainly natural colonisation of unmanaged ground. The Assessment sets out the necessary tree removals required to facilitate the site levelling works, the proposed access road, and the removal of the existing metal fence, as well as those tree removals required to mitigate against risks to the health and safety of site users due to their poor condition, and for arboricultural good practice. The proposed tree removals can be summarised as follows:

- 2 full tree groups in Category U (very low quality, with little or no amenity value)
- 6 full tree groups in Category C (low quality, with an estimated remaining life expectancy of at least 10 years)
- 10 individually surveyed trees in Category U
- 7 individually surveyed trees in Category C
- Parts of 7 tree groups in Category C
- Parts of 1 tree group in Category B (moderate quality, with an estimated remaining life expectancy of at least 20 years)

The plans show that the substantial majority of trees and groups with any reasonable life expectancy will be retained. A soft landscaping scheme shows mitigation planting for those trees to be felled, with landscaping enhancements across the site, most significantly around the new access road and at the western boundary, as well as the key interventions around the Blackburn Brook as discussed above. The Landscape Officer is happy with the report submitted, subject to tree protection being secured through condition for retained trees. It has also been requested that hornbeam planting in proximity to the railway line be removed due to their risk of salt damage close to the carriageway, that minor errors in the planting schedule be corrected, and that a long stretch of hawthorn hedge be diversified to include a greater range of native planting. The amended landscaping plans received on 30 January 2023 are now considered by the Landscape Officer to be acceptable, having satisfied all relevant concerns.

Overall, the development is now acceptable in terms of ecology, tree protection and landscaping, subject to conditions securing a CEMP, a 30-year Biodiversity and Environmental Management Plan, and details of tree protection. The

development would deliver substantial environmental improvements including a large biodiversity net gain.

Pollution and Land Contamination

Paragraph 174(e) of the NPPF requires planning decisions to prevent development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Policy GE22 of the UDP states that development should be sited so as to prevent or minimise the effect of any pollution on neighbouring land uses or the quality of the environment and people's appreciation of it.

In relation to air pollution, policy GE23 states that development will be permitted only where it would not locate sensitive uses where they would be adversely affected by sources of air pollution. Policy CS66 of the Core Strategy states that actions to protect air quality will be taken in all areas of the city. In particular, further action will be taken where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

This application is for enabling works only. Air pollution effects from any eventual employment uses, including traffic fumes or any particulates released through industrial activities, would be fully assessed and considered under future applications on the development plots created. In terms of air quality impacts from the enabling works themselves, a Construction Environmental Management Plan (CEMP) can be secured through a pre-commencement condition to set out dust, air quality and pollution control measures through the development period. The CEMP would be rigorously assessed by the Environmental Protection Service at condition discharge stage, ensuring that the development stage does not adversely affect local air quality.

In relation to land contamination, policy GE25 states that where contaminated land is identified, development will not be permitted on, or next to, the affected land unless the contamination problems can be effectively treated so as to remove any threats to human health or the environment.

Parcels 1 and 2 have been assessed for geo-environmental risks through seven reports in total, submitted with the planning application. Parcel 1 has been investigated in full to Phase II contamination assessment stage, with a Remediation Strategy put forward. It was concluded that gas protection measures are not required for Parcel 1, although further assessment as to the contamination impact on the Blackburn Brook and local groundwater is required, including additional intrusive investigation. Parcel 2 has had a full Phase I assessment but only a limited Phase II assessment, as this site is still operational as a crane storage facility, with limited access for investigations. The assessment undertaken to date demonstrates that a Remediation Strategy and gas protection measures will likely be necessary for Parcel 2 to protect human health and groundwater.

The Environmental Protection Officer is satisfied with the information submitted at application stage in terms of enabling an informed decision, but given that further

investigation is still required, a full suite of land contamination conditions is requested to ensure that all risks are appropriately identified and mitigated. Subject to these conditions, the development is acceptable in terms of land contamination.

Climate Change

Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, including minimising vulnerability and improving resilience. Policy CS63 of the Core Strategy sets out actions to reduce the city's impact on climate change, including (d) designing development to increase energy efficiency and reduce energy consumption and carbon emissions. The policy also sets out actions to adapt to expected climate change, including (g) locating and designing development to eliminate unacceptable flood risk, (h) giving preference to development of previously developed land where this is sustainably located, (i) adopting sustainable drainage systems, (j) encouraging environments that promote biodiversity, and (k) designing development to minimise the relative heating of urban areas.

Policy CS64 sets out sustainable design principles for new buildings and conversions, including energy efficiency, passive design, renewable energy production, minimising water consumption, re-using existing buildings, flexible design, sustainable materials, and minimising waste. Policy CS65 requires all significant developments to (a) provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy and (b) reduce the developments overall predicted carbon dioxide emissions by 20%. However, the Climate Change and Design SPD assesses this requirement to be unviable in the wake of changes to Part L of the Building Regulations, and so only requirement (a) of policy CS65 applies.

This application does not propose any new buildings, and so the assessment of subsequent employment development proposals against policies CS64 and CS65 will be the subject of future applications. However, to the extent possible at this stage, it is considered that the enabling works will contribute to climate change mitigation and adaptation. As discussed above, the flood mitigation works will minimise vulnerability and improve resilience, with the design of the Blackburn Brook proposals specifically intended to eliminate unacceptable flood risk, including sustainable drainage systems. The site would enable the redevelopment of previously developed land in a sustainable and accessible location within a key industrial corridor. The landscaping proposals discussed above will promote biodiversity, and new planting will contribute to minimising urban heat island effects. Overall, the enabling works are in accordance with policy CS63 and the development is acceptable in terms of climate change impact.

Objection comments raise concerns that increased traffic will add to greenhouse gas emissions, and that the development prioritises motorised vehicles over active travel due to the impact on the NCN67 cycleway, being contrary to the climate change agenda. Future traffic impacts would be assessed under applications for the eventual employment development on the newly created plots. As discussed above, the impact on public rights of way is deemed to be acceptable, with the

Trans Pennine Trail crossing being of a safe design and causing minimal impact to walking and cycling journeys. Another concern raised by objectors is the possibility that dust from the development could affect the ability of the nearby woodland to absorb carbon dioxide, leading to more greenhouse gases being released into the atmosphere. It is considered that the CEMP condition discussed above will adequately ensure that dust from the development works is carefully controlled.

Safety and Security

Paragraph 92(b) of the NPPF states that planning decisions should aim to achieve places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 97 states that decisions should promote public safety, including by (a) anticipating and addressing possible malicious threats.

South Yorkshire Police have identified that a number of existing industrial and commercial properties running the full length of the proposed site have at some point suffered criminal offences such as burglary and thefts. Offenders have unlawfully entered sites from the Ecclesfield Road, Grange Mill Lane and Woolley Woods areas, breaching the existing fencing. They have advised that proposed security fences should be an anti-climb prison mesh, securely fixed and concreted into the ground, and of a height no less than 2.4 metres. The security fences are shown indicatively on the site plans and full details have not yet been provided. Details of the fences can be secured through condition to ensure that they meet the relevant security standards and are also acceptable in terms of visual impact.

Employment and Skills

Paragraph 81 of the NPPF places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The proposal would bring clear economic benefits in enabling future employment development, and the development stage works could also bring social benefits in terms of local employment, training and skills.

An Inclusive Employment and Training Plan can be secured through condition. This would be developed in collaboration with Talent Sheffield (a 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 deliver benefits to Sheffield people). This condition can ensure that the development contributes to social sustainability as well as economic sustainability, in accordance with paragraph 8 of the NPPF.

Impact on the Railway

Policy T5 of the UDP states that the existing network of rail freight and passenger routes will be safeguarded. The application site runs alongside an operational railway line playing host to key passenger and freight routes. Network Rail have been consulted on the planning application and have no objections, but have raised several development requirements in relation to drainage, use of cranes and

plant in proximity to the railway boundary, excavations and earthworks in the vicinity of railway infrastructure, boundary treatments adjacent to the railway, and landscaping requirements. These matters can be communicated to the developer through an informative note on the decision notice, and do not require formal planning conditions.

Archaeology

Policy BE22 of the UDP states that sites of archaeological interest will be preserved, protected and enhanced. Development will not normally be allowed which would damage or destroy significant archaeological sites. Where disturbance of an archaeological site is unavoidable, the development will be permitted only if an adequate archaeological record of the site is made.

The site is of archaeological interest, as the Blackburn Brook may have acted as a focus for early industrial activity which could have left archaeological evidence, and any palaeo-channels of the brook and associated deposits could contain palaeo-environmental evidence. The water-powered Blackburn Wheel powering Charcoal Works was previously present on the site, which developed into the Electrode Works in the early 20th century and, at a different location, the later Trubrite Steelworks.

A Written Scheme of Investigation (WSI) has been submitted, which follows a previous Archaeological Desk-Based Assessment which was shared with South Yorkshire Archaeology Service (SYAS) prior to submission of the application. A strategy for trial trenching was broadly agreed with SYAS but has not yet been carried out.

Ideally, fieldwork evaluation would be carried out prior to determination, as paragraph 203 of the NPPF states that the effect of a scheme on non-designed heritage assets should be considered in determining an application, and paragraph 205 requires that provision be made to secure a record in advance where development resulting in harm to or loss of heritage assets is permitted. Without evaluation results, it is difficult to ascertain the scale of archaeological harm likely to be caused.

However, in this case it is acceptable to leave the trial trenching until after the planning decision, as further ground investigations are necessary for geotechnical and contamination reasons regardless. Archaeological evaluation can be carried out as part of this preliminary stage, allowing for agreement on appropriate archaeological mitigation works. This is in the expectation that there will have been at least some damage to earlier features and that surviving features may be buried at depth, given the later development history of the site – in this situation, there is less potential for significant archaeological disturbance or damage.

Evaluation trenching and archaeological mitigation works can be secured by condition. The WSI will need updating to review the proposed evaluation and include monitoring of further geotechnical works, as well as clarifying how the results will be considered in relation to the remediation and plateau formation strategies. As such, a condition can secure an updated WSI to ensure appropriate

investigation at the relevant stage.

Environmental Impact Assessment (EIA)

The proposal is an “industrial estate development project” falling within category 10(a) in Column 1 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and the development exceeds the 0.5-hectare threshold for this category as set out in Column 2, thus requiring screening against the selection criteria in Schedule 3. The proposal has been screened under application 20/02988/EIA and it was concluded that the enabling works would not have significant environmental effects, and so an Environmental Statement was not requested to accompany the application.

It is acknowledged that a previous screening request for the wholesale development of the site for employment uses did conclude that an Environmental Statement would be required (see application 19/00853/EIA), due to potential air quality impacts from increased traffic, with limited mitigation potential. Flood risk and water quality impacts were also raised, although the screening opinion issued at the time indicated a likelihood that these impacts could be appropriately mitigated.

Multiple objections have been received in relation to a lack of an Environmental Statement for this application, but it must be emphasised that a proposal for enabling works only is far less extensive in its impacts, particularly as the eventual traffic and air quality impacts of the final employment uses cannot yet be known. A grant of planning permission for the enabling works does not prejudice the future assessment of traffic, air quality and other impacts of the eventual employment uses themselves, and the developer will be encouraged to submit EIA screening requests when proposals for future development plots are brought forward. Any requirement for other assessments, such as a Health Impact Assessment, can also be considered at that time. The Local Planning Authority cannot insist upon a developer submitting an application for the wholesale development of a site, and must assess proposals for enabling works on their own merits. The assessment of this proposal without the submission of an Environmental Statement is maintained to be in accordance with the Regulations.

SUMMARY AND RECOMMENDATION

The proposed enabling works would facilitate the future development of a potential employment site of strategic importance to the city. Key flood risk concerns have been overcome to the satisfaction of statutory consultees, and the works to the Blackburn Brook would successfully mitigate on-site flood risk without significantly increasing flood risks to the surrounding area. The daylighting and re-alignment of a large stretch of the Blackburn Brook, together with an extensive landscaping scheme, would deliver a substantial net gain for biodiversity.

The design of the proposed access road is deemed to be safe for all road users and capable of accommodating anticipated levels of vehicular traffic without harming the Strategic Road Network, although full traffic impacts would be assessed at a later stage when individual development plots come forward. Whilst

the access road would cause some minor disruption to the Trans Pennine Trail, the final design of the pedestrian/cycle crossing at the intersection point will ensure that walkers and cyclists are not put at risk, and that any wait times are minimal. The application has demonstrated sufficient justification for the access road, on the basis that the existing access to Parcel 1 is insufficient to meet modern operational requirements. On balance, the works to the Trans Pennine Trail can be accepted when weighed against the considerable economic and environmental benefits of the proposal as a whole.

In summary, the proposal represents sustainable development in accordance with national and local planning policies, and it is therefore recommended that Members resolve to grant planning permission subject to the suggested conditions.

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