

## SUPPLEMENTARY INFORMATION

### APPLICATIONS UNDER VARIOUS ACTS / REGULATIONS – SUPPLEMENTARY INFORMATION

1. **Application Number: 23/00493/OUT**

**Address: Former Site Of Castle Market, Exchange Street, Sheffield S2 5TR**

Point of Clarification – Tilted Balance

On Pages 93 and 94 the Committee Report explains the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF). This provides a ‘tilted balance’ in favour of developments which deliver housing where the LPA cannot demonstrate a 5 year supply of deliverable housing sites (as is currently the case in Sheffield). The report advises that the tilted balance applies to this development as the range of uses proposed for the outline development plots includes residential (Use Class C3). However, upon further consideration it is acknowledged that there is no certainty that the development would deliver housing - as this is just one of a wide range of possible uses for these plots.

Given that there is no certainty that the development will deliver housing, the tilted balance in favour of developments proposing housing delivery does not in fact apply and the development should simply be assessed against the relevant national and local planning policy framework and other material consideration - giving weight to relevant policies according to their consistency with the NPPF and relative level of importance. The Committee Report provides a full assessment of the planning application and advises that the proposed development is consistent with all relevant national and local planning policies, for the reasons summarised on pages 117 – 119. Therefore, the irrelevance of the ‘tilted balance’ does not materially affect the assessment or recommendation to grant planning permission.

Additional Planning Conditions

Since the writing of the Committee Report further feedback has been received from the Council’s design team and South Yorkshire Archaeology Service. This feedback has not materially changed the assessments set out in the Committee Report with regards to design or archaeology but has identified the need for an additional condition and an amendment to two existing conditions, these are:

New Condition:

*Before the new public realm hereby approved is brought into use, or within an approved alternative timeframe, full details of proposed retaining structures - including details of the type of fill and face treatment of the proposed gabion retaining walls - shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the retaining walls shall*

*be completed in accordance with the approved details prior to the new public realm being brought into use, or within an approved alternative timeframe.*

*Reason: In order to ensure that suitable materials are used for retaining walls and, in particular, that gabion baskets are filled with suitable stone and face picked.*

Revised Conditions:

5. *The following operations may take place prior to the submission of the reserved matters applications specified by Condition 4 above (subject to satisfying the requirements of all other planning conditions):*
  - i. Erection of construction accommodation;*
  - ii. Construction of temporary access and service roads;*
  - iii. The temporary display of site notices or advertisements;*
  - iv. Archaeological investigations;*
  - v. Ground conditions investigations;*
  - vi. Ecological and other environmental investigations;*
  - vii. Intrusive site surveys and other enabling works;*
  - viii. Demolition;*
  - ix. Excavation;*
  - x. Level Raising;*
  - xi. Site clearance, soil storage and remedial work in respect of any contamination or other adverse ground conditions;*
  - xii. Repair and refurbishment of existing structures;*
  - xiii. De-culverting (other than the green lined future de-culverting area);*
  - xiv. Diversion and laying of services;*
  - xv. Erection of those temporary and permanent means of enclosure shown on the approved plans;*
  - xvi. Undertaking of the approved soft and hard landscaping works;*
  - xvii. Formation of the approved means of access to the site*
  - xviii. Exposure and preservation of heritage assets and provision of public art.*

*Reason: In order to define the permission.*

14. *Development, including any demolition and groundworks, shall not commence until a written scheme of investigation (WSI) for archaeological works has been submitted to and approved by the Local Planning Authority. Thereafter the programme of archaeological work set out in the approved WSI shall be completed in accordance with the approved details, to the timescales agreed.*

*Reason: In the interests of ensuring that details of the required set piece archaeological excavation and accompanying archaeological works have been approved before any excavation commences.*

15. *Development, including any demolition and groundworks, shall not commence until a Conservation and Mitigation Strategy (CMS) for the development has been submitted to and approved by the Local Planning Authority. The CMS shall be informed by a Water Environment Assessment*

*and shall consider the potential archaeological impacts of all below ground works comprised within the development - including excavations, utilities, drainage and foundations. The CMS shall delineate the site into the following: (a) the parts of the site where a full archaeological excavation is required before the development works can take place (Primary Archaeological Investigation Area); (b) the parts of the site which do not require a full archaeological excavation, but where development works must proceed under archaeological direction (Area Under Archaeological Direction); (c) the parts of the site which do not require a full archaeological excavation, but where development works must proceed under archaeological supervision (Area Under Archaeological Supervision); (d) the parts of the site where works can take place without any archaeological direction or supervision (Area of No Archaeological Attendance). Thereafter the development shall only proceed in strict accordance with the approved CMS and the mitigations strategies contained therein.*

*Reason: In the interests of ensuring that details of the required archaeological mitigation strategy have been approved before any excavation commences.*

16. *Other than archaeological investigations, development shall not commence within the 'Primary Archaeological Investigation Area' (as identified within a CMS which shall have first been approved under Condition 15 above) until a method statement for works within the Primary Archaeological Investigation Area has been submitted to and approved by the Local Planning Authority. Unless otherwise approved the method statement shall:*

- i) include a methodology for any further evaluation of the potential impacts of the development on the archaeological features and deposits within the site found to be necessary, based upon the findings of the programme of archaeological work set out in the approved WSI;*
- ii) confirm details of the development works to be undertaken, which shall be based upon the details shown on the approved plans listed at condition 6 adjusted as necessary to minimise harm to archaeological features whilst taking any feasible opportunities to expose, preserve and interpret historic remains informed by the findings and recommendations of initial investigations and any further archaeological evaluation;*
- iii) confirm details of the following works:*
  - a) level changes,*
  - b) retaining structures;*
  - c) hard and soft landscaping features;*
  - d) archaeological features that will be exposed;*
  - e) archaeological features that will be retained below ground and protected from disturbance;*
  - f) the works which shall be undertaken to preserve and protect exposed archaeological features;*
  - g) the works which shall be undertaken to present and interpret archaeological features and the findings of the archaeological investigations within the site.*

*Thereafter the development shall only proceed in strict accordance with the approved method statement.*

*Reason: In the interests of ensuring that a mechanism is in place to further evaluate relevant below ground heritage assets once they have been exposed and fine tune the development scheme accordingly.*

The above changes reflect the fact that SYAS and Historic England have not yet approved either the WSI or CMS. These are the documents which will control the further archaeological investigations which will take place on the site and ensure that the works to the site will minimise the risk of harm to below ground archaeology. SYAS have advised that the proposed over-arching principles for archaeology are sound but that further detail is required in both of these documents. The above changes to conditions will ensure that a satisfactory WSI and CMS is provided prior to any works commencing.

#### Additional Objection

Since the writing of the Committee Report an additional representation has been made. This representation states an objection to the proposed development upon the basis that the Committee Report does not identify that the Andalus Community Centre currently occupies the Mudfords Building adjacent to the site and highlights the adverse social consequences if the Community Centre were to close.

Given that the proposal site does not include the Mudfords Building and that there is no proposal to demolish, alter or change the use of this building as part of the current planning application, this representation is not considered to raise any material planning issues. However, the error on page 83 of the report, in referring to the Mudfords Building as vacant, is acknowledged and committee members should note that this building is in fact occupied by a community centre and associated cafe.