
Case Number	20/03193/FUL
Application Type	Full Planning Application
Proposal	Demolition of 51-57 High Street and erection of a 39-storey tower plus basement comprising; 206 no. apartments (Use Class C3); plant at basement level; a commercial unit (commercial, business and services (Use Class E) or drinking establishment or hot food takeaway (Sui Generis) with mezzanine and ancillary residential accommodation at ground floor level; use of part of second floor of 59-73 High Street as ancillary residential accommodation; works including hard and soft landscaping to King Street and reconfiguration of access at the King Street/Angel Street junction
Location	51-57 High Street and second floor of 59-73 High Street City Centre Sheffield S1 2GD
Date Received	08/09/2020
Team	City Centre and East
Applicant/Agent	Crowley Associates
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing numbers;

L(--)-001 rev 18 (site plan) published 15.09.2020

L(--)-100B rev 23 (basement plan) published 26.11.2020

L(--)-100 rev 23 (ground floor plan) published 26.11.2020
L(--)-100M rev 23 (mezzanine plan) published 26.11.2020
L(--)-101 rev 23 (1st floor plan) published 26.11.2020
L(--)-102 rev 23 (2nd floor plan) published 26.11.2020
L(--)-103 rev 23 (3rd floor plan) published 26.11.2020
L(--)-104 rev 23 (4th floor plan) published 26.11.2020
L(--)-105 rev 23 (5th floor plan) published 26.11.2020
L(--)-106 rev 23 (6th floor plan) published 26.11.2020
L(--)-107 rev 23 (7th floor plan) published 26.11.2020
L(--)-108 rev 23 (8th floor plan) published 26.11.2020
L(--)-109 rev 23 (9th floor plan) published 26.11.2020
L(--)-110 rev 23 (10th floor plan) published 26.11.2020
L(--)-111 rev 23 (11th floor plan) published 26.11.2020
L(--)-112 rev 23 (12th floor plan) published 26.11.2020
L(--)-113 rev 23 (13th floor plan) published 26.11.2020
L(--)-114 rev 23 (14th floor plan) published 26.11.2020
L(--)-115 rev 23 (15th floor plan) published 26.11.2020
L(--)-116 rev 23 (16th floor plan) published 26.11.2020
L(--)-117 rev 23 (17th floor plan) published 26.11.2020
L(--)-118 rev 23 (18th floor plan) published 26.11.2020
L(--)-119 rev 23 (19th floor plan) published 26.11.2020
L(--)-120 rev 23 (20th floor plan) published 26.11.2020
L(--)-121 rev 23 (21st floor plan) published 26.11.2020
L(--)-122 rev 23 (22nd floor plan) published 26.11.2020
L(--)-123 rev 23 (23rd floor plan) published 26.11.2020
L(--)-124 rev 23 (24th floor plan) published 26.11.2020
L(--)-125 rev 23 (25th floor plan) published 26.11.2020
L(--)-126 rev 23 (26th floor plan) published 26.11.2020
L(--)-127 rev 23 (27th floor plan) published 26.11.2020
L(--)-128 rev 23 (28th floor plan) published 26.11.2020
L(--)-129 rev 23 (29th floor plan) published 26.11.2020
L(--)-130 rev 23 (30th floor plan) published 26.11.2020
L(--)-131 rev 23 (31st floor plan) published 26.11.2020
L(--)-132 rev 23 (32nd floor plan) published 26.11.2020
L(--)-133 rev 23 (33rd floor plan) published 26.11.2020
L(--)-134 rev 23 (34th floor plan) published 26.11.2020
L(--)-135 rev 23 (35th floor plan) published 26.11.2020
L(--)-136 rev 23 (36th floor plan) published 26.11.2020
L(--)-137 rev 23 (37th floor plan) published 26.11.2020
L(--)-138 rev 23 (38th floor stair core plan) published 26.11.2020
L(--)-140 rev 23 (roof plan) published 26.11.2020
L(--)-530 rev 23 (adaptable layout - typical floor plan from Level 25 to 36)
published 26.11.2020

L(--)-201 rev 18 and L(--)-211 rev 18 (south elevations) published 15.09.2020
L(--)-202 rev 18 and L(--)-212 rev 18 (west elevations) published 15.09.2020
L(--)-203 rev 18 and L(--)-213 rev 18 (east elevations) published 15.09.2020
L(--)-204 rev 18 and L(--)-214 rev 18 (north elevations) published 15.09.2020

L(--)-301 rev 18 (section WE) published 15.09.2020

L(--)-302 rev 18 (section NS) published 15.09.2020

L(--)-421 rev 18 (Composition Axonometric Base) published 24.11.2020

L(--)-422 rev 18 (Composition Axonometric Top) published 24.11.2020

Facade study drawings (refs; A(--)-001; A(--)-002; A(--)-003; A(--)-004; A(--)-005; A(--)-006; and A(--)-007 all rev 18) published 15.09.2020

Reason: In order to define the permission.

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

3. The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made, evidence that such a contract has been made has been submitted to and approved in writing by the Local Planning Authority and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that premature demolition does not take place and result in an undeveloped site, some time before rebuilding, which would be detrimental to the visual character of the locality.

4. 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 and the development shall not be brought into use until the highway improvements listed below have been carried out.

Highways Improvements:

A fully detailed public realm scheme covering the entire red line boundary area of the site on King Street, Angel Street and High Street, including:

- (a) Full materials and planting specification, which shall link to the layout, design, material palette and planting of the Grey to Green scheme;
- (b) Full details of street furniture, which shall match the City Centre palette;
- (c) The design and layout of the vehicular junction between King Street and Angel Street;
- (d) The provision an appropriate area of accommodation and the retained provision of any existing services required for the reinstatement of the market on King Street;
- (e) Arrangements for the delivery and phasing of the works in co-ordination

with the delivery of the Grey to Green Scheme;

(f) Arrangements for the ongoing maintenance and retention of the wind mitigation measures within the public highway (liability, responsibility and costs);

(g) Arrangements for the ongoing maintenance of any soft landscaped areas.

Reason: To enable the above-mentioned highways to accommodate the increase in use, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of pedestrians, cyclists and service vehicles on the public highway.

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

Reason: To enable the above-mentioned highways to accommodate the increase in use, which, in the opinion of the Local Planning Authority, will be generated by the development.

6. No development (except demolition) shall commence unless full and final details of appropriate wind mitigation measures, including the siting, nature, appearance and design of the measures, with a supporting wind microclimate assessment to demonstrate the suitability and effectiveness of the measures, have been submitted to and approved in writing by the Local Planning Authority. The timescale for the implementation of the measures shall also be agreed in writing with the Local Planning Authority before the above ground works commence. The measures shall thereafter be installed at the agreed phase of the construction, and the building shall not be used unless all mitigation measures are in place and are fully operational. Thereafter the measures shall be retained and maintained for the sole purpose intended for the lifetime of the development.

Reason: In the interests of highway and pedestrian safety.

7. No development (including demolition) shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall include details of the site compound and the impacts on the public highway, and shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

Reason: In the interests of the amenities of the locality and the safe operation of the highway, as well as occupiers of adjoining property. It is essential that this condition is complied with before the development is commenced.

8. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written

Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

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

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

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

9. Any intrusive investigations recommended in the Phase I Geo-Environmental Appraisal by Patrick Parsons dated December 2016 (published 15.09.2020) shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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

10. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

that this condition is complied with before the development is commenced.

11. No development (except demolition) shall commence until full details of proposed ecological enhancement measures, such as suitable bird and bat boxes attached to the building (or proposals of equivalent ecological value), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the enhancement measures shall be implemented as approved before the development is occupied.

Reason: In the interests of protecting the biodiversity of the site.

12. No development (except demolition) shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

13. No development (except demolition) shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

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

for purpose.

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

14. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include:

1. Clear & unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;
2. A package of measures to encourage and facilitate less car dependent living;
3. A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule;
4. Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority;
5. Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

Prior to the occupation of any dwelling, evidence that all the measures included within the approved Travel Plan have been implemented or are committed shall have been submitted to and approved in writing by the Local Planning Authority.

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

15. The residential units shall not be occupied until details of a scheme have been submitted to and approved by the Local Planning Authority to ensure that future occupiers of the residential units will not be eligible for resident parking permits within the Controlled Parking Zone. The future occupation of the residential units shall then occur in accordance with the approved details.

Reason: In the interests of highway safety and the amenities of the locality it is essential for this scheme to be in place before the use commences.

16. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

17. Surface water run-off from hardstanding (equal to or greater than 800 square metres) must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network.

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. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

19. The 4 no. studio flats hereby approved shall not be occupied unless the bedroom partitions, as shown on the approved floor plans, have been installed, the full details of which shall first have been submitted to and approved in writing by the Local Planning Authority. The partitions shall be designed to allow additional daylight to pass from the main living area of the studio into its bedroom area. Thereafter the partitions shall be retained in accordance with the approved details.

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

20. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people to enter the building shall have been submitted to and approved in writing by the Local Planning Authority and the building shall not be used unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

21. Details of a proposed signage scheme to the building shall be submitted to and approved in writing by the Local Planning Authority before any signage is installed. Thereafter, the development shall be carried out in accordance with

the approved details.

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

22. Details of the proposed lighting scheme to the building shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

23. Details of all proposed external materials and finishes, including method of fixing and size, and including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

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

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

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

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

26. The commercial food use hereby permitted shall not commence unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall include:

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

The use shall not commence until the approved equipment has been installed

and is fully operational and shall thereafter be installed, operated, retained and maintained in accordance with the approved details.

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

27. The development shall not be used for the purposes hereby permitted unless a scheme of sound insulation and/or attenuation works have been installed and thereafter retained. Such works shall be based on the findings of a noise report submitted to and approved in writing by the Local Planning Authority and shall include an assessment of noise impacts on nearby noise sensitive uses and affecting the site, in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

Reason: In the interests of the amenities of occupiers of adjoining property it is essential for these works to have been carried out before the use commences.

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

a) Be based on the findings of the Environmental Noise Impact Assessment 3065/ENIA by ADT dated 20th August 2020 (published 15/09/2020)

b) Be capable of achieving the following noise levels:

Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);

Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

29. Before the commercial use hereby permitted commences, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:

a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.

b) Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:

- (i) as a 15 minute LAeq, and;
- (ii) at any one third octave band centre frequency as a 15 minute LZeq.

c) Be capable of restricting noise breakout and transmission from the commercial use(s) and any associated plant or equipment, to all adjoining residential accommodation to levels complying with the following:

- (i) Bedrooms: Noise Rating Curve NR20 (2300 to 0700 hours);
- (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
- (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
- (iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

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

[Noise Rating Curves should be measured as a 15 minute LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

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

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

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

31. Prior to use of the development hereby permitted commencing, a delivery, servicing and refuse management plan shall be submitted for written approval by the Local Planning Authority. The management plan shall include procedures and timings for deliveries/servicing and associated activities, and set out procedures and controls designed to minimise local amenity impacts

from noise, as far as reasonably practicable. All deliveries and servicing then shall be carried out in accordance with the approved plan, including the approved noise mitigation procedures.

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

32. The development shall not be used unless the separate bin stores for commercial and residential waste, as shown on the approved basement plan, have been provided in accordance with that plan and thereafter retained for the sole purpose intended.

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

33. The development hereby approved shall be constructed in accordance with the scheme of works/recommendations set out in the approved Sustainability Statement (Energy Strategy ref: P988-ES-001 Rev H by NOVO published 15.09.2020), unless an alternative but equivalent scheme is otherwise agreed in writing by the Local Planning Authority. Thereafter the scheme of works shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

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

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

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

Other Compliance Conditions

35. No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiting facility capable of limiting the sound level output of the system to a pre-set level which may then be secured in a tamper-resistant manner, the design and settings of which shall have received the prior written approval of the Local Planning Authority.

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

36. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 5 litres per second.
- Reason: In order to mitigate against the risk of flooding.
37. No customer shall be permitted to be on the commercial premises outside the following times:
- 0700 to 0030 on any day
- Reason: In the interests of the amenities of the locality and occupiers of adjoining property.
38. Surface water and foul drainage shall drain to separate systems.
- Reason: To ensure satisfactory drainage arrangements.
39. No tree planting shall be permitted over or within 5 (five) metres either side of the centre line of the water mains or sewers, which cross the site.
- Reason: In order to protect the structural integrity of the pipework from tree root infestation.
40. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
- Reason: In order to ensure that any contamination of the land is properly dealt with.

Attention is Drawn to the Following Directives:

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

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and

what information we require. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

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

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

Mr J Burdett
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

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

3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

4. The proposed development is located near to the track and overhead line of the South Yorkshire Supertram. The developer is advised that there needs to be close liaison with South Yorkshire Supertram Limited at Nunnery Depot, Woodbourn Road, Sheffield, S9 3LS, (Telephone Sheffield (0114) 2759888). All works carried out on site and within the vicinity of the site need to be in accordance with the "Supertram Code of Practice for Working On or Near the Tramway". This Code of Practice is available both upon request from Supertram, or online at: <http://www.supertram.com/workingonsystem.html>.
5. 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.

6. As the proposed development will involve the closing/diversion of a public path(s) you are advised to contact the Highway Records team as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the path(s) under Section 257 of the Town and Country Planning Act 1990. This process can take several months to complete.

Principal Engineer, Highway Records
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6301 or 273 6125
Email: highwayrecords@sheffield.gov.uk

7. The approved Phase I Geo-Environmental Appraisal (by Patrick Parsons dated December 2016) identifies that the site is underlain by coal measures, which could have been worked in the past. The site does not lay within a Coal Mining Referral Area and the report states that identified risk is considered to be low, however, the developer is advised that it is their responsibility to ensure any such features are appropriately accounted for and, where necessary, further investigated and remediated, in liaison with the Coal Authority.

Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at www.coal.gov.uk.

8. You are required as part of this development, to carry out works within the public highway: as part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Highway Co-Ordination
Sheffield City Council
Town Hall
Sheffield
S1 2HH

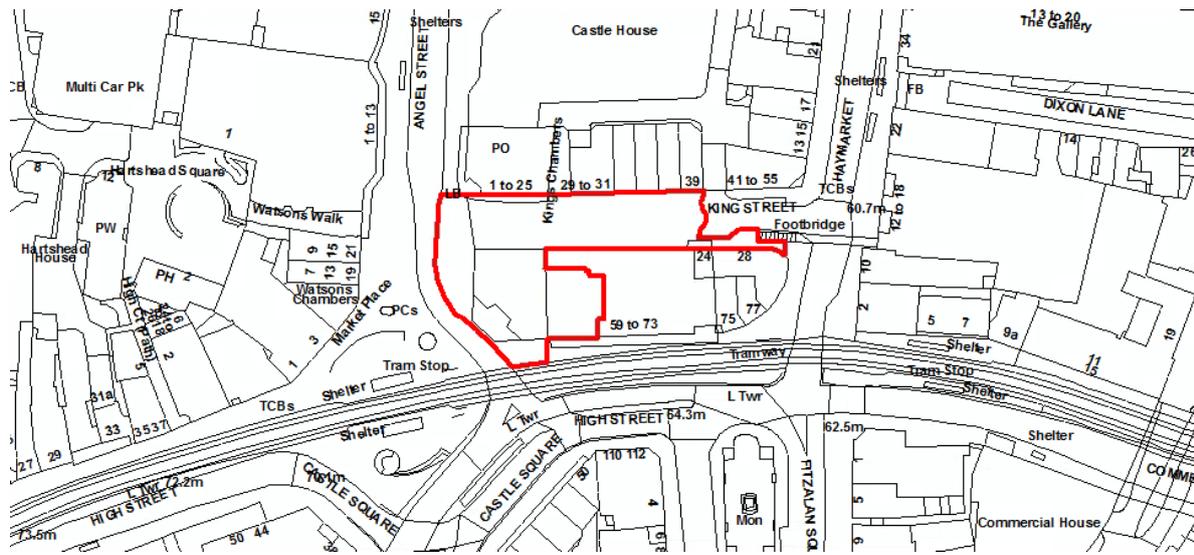
Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

Where the notice is required as part of S278 or S38 works, the notice will be submitted by Highways Development Management.

9. The applicant is advised that 'Talent Sheffield' is a Sheffield City Council initiative delivered through the Invest Sheffield and Opportunity Sheffield teams, to ensure that investors and developers in the City receive the support required to meet the commitments in the Inclusive Employment and Development Plan and deliver the maximum possible benefits to Sheffield people and its communities.
10. The submitted demolition method statement states that access for vehicles would be gained from King Street, and it is agreed that this is the only feasible option for access during construction works. The statement notes that it is a necessity to contact Supertram in relation to scaffolding etc. The applicant is advised that they will indeed need to contact Supertram and also secure all the necessary approvals from Highway Co-ordination and Regulation prior to any works commencing, including the site compound.
11. The applicant is advised that while some of the wind mitigation measures are indicated on some of the approved plans, these elements are not approved. The use of trees to the westernmost end of King Street in particular raises concern and potential conflict with the Grey to Green scheme, and the wind mitigation measures in this area will require further consideration, and the use of more sculptural elements in this area may be more appropriate.
12. The cycle lane on Angel Street should stay fully operational and free of any obstruction at all times throughout the construction phase of the development where possible.

Site Location



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LOCATION AND PROPOSAL

The application relates to a vacant retail premises at the corner of Angel Street and High Street, within the City Centre.

The proposal is for the demolition of the building and the erection of a 39-storey residential tower (206 no. residential units – use class C3) with a ground floor commercial unit (use class E or drinking establishment (Sui Generis) or hot food takeaway (Sui Generis)).

As part of the works, King Street to the rear and the surrounding public realm would be improved, with the King Street market retained, and vehicular access created from King Street onto Angel Street.

A separate application has been submitted for the temporary relocation of the market to a site nearby on Angel Street/Market Place, as it would not be feasible for a market to operate on King Street during construction. The market would relocate back on King Street following implementation of the development.

RELEVANT PLANNING HISTORY

19/01422/EIA - EIA (Environmental Impact Assessment) screening request for a decision as to whether the proposal is EIA Development for the purposes of the EIA Regs (Residential Development) – ESNREQ 10.05.2019

20/03911/RG3 - Use of land for temporary siting of up to 14 market stalls (Application under Regulation 3) – Pending consideration (NB site opposite adjoining 5 - 21 Market Place and Angel Street)

SUMMARY OF REPRESENTATIONS

Five letters of objection have been received from interested parties (including the neighbouring retail premises at nos. 1-25 King Street, Sheffield Climate Alliance and Changing Sheff City Centre residents' association) raising the following concerns;

- The hoarding will obscure the shop front of 1-25 King Street in already difficult trading conditions. Would support with clear signage and compensation for loss of trade.
- Lack of balconies or open space adjacent/on top of the building for residents' use.
- Development out of scale with the buildings around it. All buildings on High Street and Fargate are of similar scale and height, except the Telegraph building which terminates the view down Fargate and serves as a landmark. The proposed tower dominates the Telegraph building and impacts on the appreciation of heritage buildings on High Street.
- Poor design. A token gesture made towards a plinth in scale with the High Street but overall the design is brutal, unfinished in appearance, bland and uniform.
- The scale would further devalue existing commercial properties in the City Centre and the possibility of attracting high quality businesses.
- There are too many empty properties and this development would threaten the affordability of regenerating former offices as residential flats.

- The recent spate of building student flats has generated a glut of residential properties
- This residential building is proposed without provision of/support for amenities - parks, playgrounds, schools, community centres and doctors to provide a good quality of life for residents.
- The proposal includes no parking for residents, yet the transport analysis indicates that an extra 366 2-way vehicle trips would be expected per day, increasing the parking and traffic pressures elsewhere in the city. This discriminates against residents with disability or mobility issues.
- The reconfiguration of the market to allow movement of refuse vehicles would impact on the free movement of people in what should be a safe pedestrianised space.
- Taller buildings in the city reduce the amount of sunlight reaching pavements, passive solar gain for other buildings nearby and the extent of sky that is visible.
- The development falls well short of the 2020 Riba <math><105 \text{ kWh/m}^2/\text{yr}</math>, and almost double that of the 2025 target.
- Does not comply with CS65(b) which requires a 20% carbon reduction over Building Regs and while the requirement was relaxed to an uplift in Building Regs since the policy, it is queried whether a review was undertaken as mentioned in the Climate Change SPD.
- Does not comply with CS65(a) as it proposes a fabric first approach design resulting in improved energy efficiency equivalent to a 7.68% reduction in energy demand: this falls short of the 10% required by the policy.
- It is not acceptable to allow a development which would fall short of the SCC target for net zero-carbon by 2030 and CS65(a) which itself is weak in relation to the 2030 target if the scheme is not viable if it had to comply.
- The Energy Strategy accepts that the scheme does not comply with CS65(a) as compliance would render the scheme as proposed unviable and also raises practical and feasibility issues. There is no discussion about whether this would change if a different or smaller scheme had been proposed.
- No ecology assessment or discussion about the possibility of a green roof.
- Drainage Strategy states that the capacity of the existing system is unknown. Queried whether the site has adequate drainage capacity and whether there would be any additional runoff onto the site from areas adjacent which mean that 5 litres/second would be exceeded?
- The drainage strategy acknowledges that there is limited external space, no scope for soft landscaping, infiltration, soakaways, raising the question of over-development.

Sheffield Conservation Advisory Group (SCAG)

SCAG submitted a representation, in summary, raising no objection to the demolition of the building and the opportunity for redevelopment, but considering the proposal for a 39-storey tower to be detrimental both to the City Centre Conservation Area (adjacent) and the proposed Castlegate Conservation Area in which it is located. The development would be unrelated in form or scale to the listed buildings in High Street, impacting on the immediate environment and adversely affecting long views into the city centre, with no coherent policy for tall buildings in the city centre.

RESPONSE TO REPRESENTATIONS

Issues regarding the principle, the design, highways, amenity, microclimate and sustainability are addressed in the Planning Assessment. The remaining issues are addressed below:

- It is accepted that the hoardings during construction would obscure the shop fronts on King Street. This is unfortunate and unavoidable for the construction works. It should be noted that the compound plan is not to be approved by this permission and could change following input from Highways Licencing colleagues. Any request for compensation and signage to the compound would be a private matter to be addressed with the developer.
- The development is CIL liable and this is designed to assist the provision of infrastructure / amenities required to provide a good quality of life for residents.
- It is not considered that a major redevelopment scheme, which only includes a relatively small commercial unit, would devalue existing commercial properties in the City Centre or harm the possibility of attracting high quality businesses. Indeed the scheme would result in a significant number of residents who will utilise the local businesses and services, which should be a boost to them.

PLANNING ASSESSMENT

Planning Policy Context

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

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is a material consideration (paras 2 and 212 of the NPPF).

Paragraph 213 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

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

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for

example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

Principle of development

The site lies within the Retail Core of the Central Shopping Area, as designated by the Unitary Development Plan (UDP). UDP Policy S3 identifies shops, offices, food and drink outlets and residential uses as preferred within the Central Shopping Area, and the broad principle of a residential development with ground floor commercial unit would accord with this.

Regarding the ground floor commercial unit, the final tenant is not yet known, so the application seeks an open permission for any Class E use, a drinking establishment or hot food takeaway. A variety of uses would be permissible under the new Class E (commercial, business and service uses), including retail, cafes/restaurants, business uses, professional services, clinics, nurseries and gyms. Some of these uses are supported by UDP Policy S2 within the Retail Core.

The proposal would accord with UDP Policy S10(a) and would not prejudice the dominance of preferred uses in the area.

However, going forward, there is less emphasis on retail in Castlegate (due to the proposed the Heart of the City 2 development and the regeneration of the Moor elsewhere within the City Centre) and the Retail Core designation and identified UDP Policies are less relevant following the adoption of Core Strategy Policy CS17.

Policy CS17(i) seeks to reduce the retail presence in Castlegate and promotes a mix of uses in the area, including housing. As such, a residential tower with the broad range of uses permissible under Class E (or the proposed use as a drinking establishment or hot food takeaway) proposed for the ground floor commercial unit would all accord with the aims of CS17. The commercial unit is only small scale, and any potential retail use would not go significantly against the aims of CS17 in seeking to reduce the retail presence in the area.

Generally the proposal would accord with the aims of Policy CS17 and would assist the wider regeneration the Castlegate area.

The site has been previously developed and therefore new homes developed on the site would contribute to meeting the objective of Core Strategy Policy CS24, which seeks to maximise the development of previously developed land for new housing.

Core Strategy Policy CS26 aims to make efficient use of land for new homes and states that the appropriate density for sites in the City Centre is at least 70 dwellings

per hectare. The proposal for 206 no. apartments on this site of around 0.21 hectares would represent a density of 980 no. dwellings per hectare, which is acceptable in this highly accessible, well serviced City Centre location.

The site lies within an area where no affordable housing contribution is required.

Core Strategy Policy CS41(a) seeks to create mixed communities by providing a broad range of smaller households where no more than half the homes in larger developments (60 dwellings or more) consist of a single house type. In this case the proposed development would create 4 no. studios (2%); 110 no. one-bed apartments (53%); and 92 no. two-bed apartments (45%).

One bedroom properties make up around 42% of current housing stock and are the most common property size in the City Centre HMA. While it is therefore unfortunate that one-bed apartments would comprise slightly over half of the residential portion of the development, and the development would have a limited ability to meet the broader housing needs of families, given the proposal is broadly in line with CS41(a), it is not considered that this raises a solid ground for objection.

Paragraph 73 of the NPPF requires the Local Planning Authority to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. At present, Sheffield can identify just over a 5 year supply (although there is little margin for error), and the proposal would assist this. While the "tilted balance" does not apply, as a 5 year supply can be demonstrated at present, significant weight still must be attributed to the delivery of new homes, given this is a key objective of the NPPF, and the proposal would assist in increasing Sheffield's required supply of housing.

The concerns raised in the objections are noted, however, it is established that there is a national housing crisis and shortfall in housing supply. Sheffield can just demonstrate a 5 year supply, but this is finely balanced and there is clearly a need to develop and deliver housing schemes in the city.

These Core Strategy policies and the proposals put forward are in accordance with the NPPF, particularly section 5, which seeks to significantly boost the supply of homes, paragraph 118(a), which states that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes, and paragraph 122, which states that decisions should support development that makes efficient use of land taking into account (c) the availability and capacity of infrastructure and services, and (d) the desirability promoting regeneration.

Design and access

The site occupies a prominent corner plot, at the junction of High Street and Angel Street, addressing Castle Square, a busy node within the City Centre, with a tram stop and various bus routes converging on High Street, Angel Street and Arundel Gate.

The site comprises a modern, mid 20th Century, 5-storey building, finished in Portland Stone with a flat roof. The buildings around Castle Square share a relatively

consistent scale, and have similar materiality, built around the same period, and therefore have a clear group value that contributes to the formation of a townscape set piece.

That said, the building in question distinguishes itself through its lack of architectural quality (save for the use of Portland Stone cladding). The building occupies a far smaller footprint due to the configuration of the block, resulting in the massing to this corner of the square differing to the other, more substantial buildings. Of all the corners facing the square, the subject site therefore most readily lends itself to a variation in approach, including a departure from the established scale.

The principle of a tall building on the site is considered to be acceptable given the city centre location, the relatively high ground, the frontage onto a major focal point (Castle Square) within the cityscape, the association with transport infrastructure (tram stop), the corner location, and the ability to gain long views of the full tower, particularly from the west down High Street and the south down Arundel Gate.

The proposed 39-storey tower would be of contemporary design. The tower would predominantly comprise a concrete grid form, with vertical emphasis and a curved façade facing south-west and addressing Castle Square, infilled with floor-to-ceiling glazing and metallic (bronze coloured) panelling.

The tower would feature a base finished in brick slips, above a recessed, glazed, double height ground floor/mezzanine commercial unit. The base would ground the development with brick columns, breaking up the expanse of ground floor glazing.

The base which would be separated from the main concrete grid element by a glazed recess, although the brick base would also extend vertically up the northern portion of the tower to the crown, creating an 'L' shaped feature, separating the tower into two main, but well-linked component parts, adding design interest. The fenestration to the brick element would be staggered and contemporary in nature, which is considered to complement the design approach and suitably break up the massing of this element, in contrast to the more ordered grid element.

The eastern elevation would feature a recessed stair core in profiled glass. The crown of the tower would be formed by the elongation of the main gridwork and fenestration, with the profiled glass stair core rising above, to be internally lit, acting as a beacon at night.

The tower is considered to be of high architectural design quality. The massing would be broken up into appropriate components, which add design interest and assist in grounding the development and creating an elegant structure in the skyline. The design, scale and form are therefore considered to be appropriate.

The proposed scale has been explored by the submission of a Townscape Visual Impact Appraisal, with a series of agreed verified views submitted with the proposal. The appropriateness of the scale and the form are related, and the proposal is considered to be a suitable addition to the cityscape.

By their very nature, tall buildings have a dominant impact on their local context and impose themselves on the wider area to become an enduring image of the city's skyline. Therefore, the requirement is for an exceptional standard of design detailing and materials. Large scale façade study drawings have been submitted, illustrating appropriate quality of detailing and materials, and these would be conditioned.

Portland Stone is the predominant material around Castle Square. The brick and concrete proposed would be in the tone of Portland Stone, which would complement the setting, particularly the adjoining Easy Hotel building. Full sample details of all materials would be conditioned to ensure quality.

Indicative information has been provided regarding the lighting and signage strategies for the building, but full details would be required by condition to ensure appropriate quality.

While the design and access statement refers to level access being provided at the external doors, it is not clear how this will be achieved at the entrance lobby to the commercial unit, as steps appear to be shown on the plan. It is unclear whether automatic hinged doors are proposed, which would raise concern. The access would need to be suitably wide (minimum 1000mm effective clear width) to provide inclusive access. These concerns were raised and it was agreed to condition access arrangements, which is an acceptable approach given this is a new development and there needs to be a good interface between it and the new public realm proposed. Subject to the condition, the proposal would accord with UDP Policy BE7.

The proposal is considered to accord with the overall design principles as set out by UDP Policies BE5 and S10(d), and Core Strategy Policy CS74. These design policies are considered up to date and in accordance with the NPPF as a whole, and in particular para. 127(f), which requires developments to be inclusive and accessible, and section 12 which seeks to achieve well designed places.

Conservation

The site lies just outside the City Centre Conservation Area, which finishes approx. 35m away to the west, across Castle Square, and includes the Bankers Draught public house (no. 1-3 Market Place), which is a Grade II Listed Building.

Other Grade II Listed Buildings in the vicinity (but outside the City Centre Conservation Area) include; Castle House; no. 2 Haymarket/nos. 5-7 Commercial Street; the statue of King Edward VII in Fitzalan Square; nos. 6-12 Fitzalan Square (the White Buildings); and the former Head Post Office.

A Heritage Statement was submitted given the significant scale of the proposed building and its proximity to the City Centre Conservation Area.

UDP Policy BE16 requires development to preserve or enhance the character or appearance of a conservation area. The policy also relates to developments which would affect the setting of a Conservation Area or significant views into, or out of, the Area, as is the case here.

Chapter 16 of the NPPF Conserving and Enhancing the Historic Environment states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Paragraphs 189-196 are relevant and advise that the significance of a heritage asset should be considered and that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. The NPPF goes on to state that great weight should be given to the heritage asset's conservation and that any harm to the significance of a designated heritage asset needs clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

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

The scale of the development is such that it would create a prominent feature that would be visible from views into and out of the Conservation Area. Nevertheless, as previously justified, this is considered to be a suitable location for a tower given its siting at the frontage onto a major focal point, with the ability to gain long views of the full tower, particularly down High Street.

The concerns raised regarding the scale of the tower and the impact on the low scale buildings in the Conservation Area, particularly on High Street and Fargate, and the Listed Buildings previously mentioned, are noted. However, the tower would act as a landmark building in the skyline, and by its very nature, be seen and understood as such, at this appropriate location. The tower would be visible down High Street, but as stated, gaining long views of the full building is considered to be a reason to support a tall building in this location. As such the development would be appropriately viewed in this landmark setting and would not compete in and amongst or overbear the lower scale heritage buildings within the City Centre Conservation Area or detract from the special features of interest of this heritage asset.

It is concluded that the development will not be harmful to nearby heritage assets and complies with local and national policies.

Public realm and landscaping

The proposal seeks to improve the public realm around the site to befit the setting a residential tower. This is most welcome, as the existing public realm is of poor quality. This would include the redesign and resurfacing of the whole of the pedestrianised area of King Street, and the public highway around the base of the tower on Angel Street and High Street.

Extensive discussions have been held with the applicant regarding this element of the proposal. The renovation and reorganisation of King Street is required to enable the servicing of the tower (discussed further in the highways section below). Proposals have been put forward for King Street to operate as a shared

vehicular/pedestrian space, with the King Street Market reinstated back on the site. The market operates from demountable gazebo stalls, which would be utilised on the reinstated market. Only refuse vehicles would be permitted on King Street, in a one-way system exiting onto Angel Street.

An essential element of the scheme is the inclusion of wind mitigation measures. These measures are in a fixed position to mitigate wind and it is reported that these cannot be moved, although the design and appearance could be varied (see wind section below).

The Council is set to undertake a separate programme of public realm works on Angel Street, with the Grey to Green scheme terminating across the western end of King Street.

The proposals put forward by the applicant for the public realm works raise concern and conflict with the proposals for the Grey to Green scheme. The proposed location of the wind mitigation measures (currently shown as primarily a row of 6 trees to the western end of King Street) would obscure the pedestrian entrance to Castle House (Videogame Museum) and encroach onto the cycle lane intended to be retained as part of the Grey to Green works.

There is also concern that the wind mitigation measures would unreasonably obscure the shop frontages, although subject to a suitably slender design/tree being used, this would sufficiently alleviate this concern, and final, full details of the wind mitigation measures would be subject to condition.

Fundamentally, there are concerns with the quality of the general design approach for the public realm of King Street and around the base of the tower. However, there is an opportunity for these public realm proposals to use the same palette of materials and to tie in with the design and layout of the Grey to Green scheme, including avoiding conflict between the location of the wind mitigation measures, and the pedestrian environment and cycle lane.

As such, following a meeting with the developer, it is envisaged the wind mitigation measures closest to the cycle lane on Angel Street would be amended to more slender sculptures to aid visibility. This is considered to be required as any tree grilles here would conflict with the cycle way.

Following another meeting with the Local Highways Authority, it is considered that there is reasonable opportunity for the Council's design for Grey to Green to be amended slightly to accommodate the location of the wind mitigation measures proposed, should the nature of the westernmost wind mitigation measures adjacent to the cycle lane also be amended, as discussed above.

No further details have been put forward to demonstrate how this would work at this stage, however, it is not considered necessary for the detail to be provided before determination of this application, as these can all be secured by a Grampian condition which will require the applicant to enter a Section 278 agreement under the Highways Act to deliver the finally agreed scheme. This is because the full extent of the highway is under the control of the Council and we can therefore ensure an

appropriate layout and quality as part of the final design details. As such the development would accord with UDP Policy BE6.

A vital point for consideration would be the arrangements for the ongoing maintenance of these crucial wind mitigation measures. These will clearly need to be retained for the lifetime of the development and any damaged features would need to be replaced as a matter of urgency. Therefore, the aforementioned condition would require the arrangements for this to be agreed with the highway authority (i.e. the Council).

Highways

The site lies within an extremely accessible location, with excellent links to public transport routes, including the Castle Square Supertram stop directly outside. The site is within easy walking distance from services and amenities within the City Centre.

The proposal would not feature any off-street car parking, which is a negative element of the proposals, and it would be unrealistic to expect no occupier to own a car. However, car free schemes are entirely acceptable in the City Centre and parking restrictions would stop unsafe parking around the site (and wider City Centre).

Conditions would require a Travel Plan to be submitted to demonstrate how the developers would promote sustainable transport for residents given the lack of parking, and residents would not be eligible for City Centre parking permits to avoid on street parking pressures. A bike store would be provided for residents, the full details of which would be conditioned.

The objection raised on parking grounds and the concern regarding this discriminating against residents with disability or mobility issues is noted. However, it would be the responsibility of any car owner to park legally, and it would be clear that the accommodation does not offer parking before any prospective tenant took on a lease. While some disabled parking would be desired at a minimum, this cannot be reasonably accommodated on the site, and in absence of this being a policy requirement, is not a ground for refusal.

It is accepted that the development will generate some additional vehicular movements, primarily servicing, but also potentially taxis etc to the residential element, however, the Transport Statement submitted demonstrates that the anticipated additional movements would have a negligible impact on the overall operation (safety and capacity) of the adjacent highway network.

The main area of concern with the development is ensuring that an acceptable servicing arrangement can be provided. As stated, the proposal is for servicing (refuse) to be undertaken from King Street. In principle, refuse vehicles could enter a shared vehicle/pedestrian environment on King Street from the east, service the site from the rear (adequate commercial and residential bin stores would be provided within the building), and exit onto Angel Street. This would require significant alterations to be implemented on King Street and Angel Street junction, to be

secured by condition. It is considered that this can in principle be accommodated alongside the Council's Grey to Green scheme, and therefore the use of a 'grampian' condition to secure this is reasonable.

The safety concerns raised regarding this pedestrian environment being shared by refuse vehicles are noted, however, waste collections would only be very occasional, and are unlikely to be undertaken during busy times when the market is in operation.

The remaining servicing, including to the commercial unit, would need to be undertaken from the bottom of King Street. A condition would require details of servicing to be submitted to ensure appropriate arrangements are in place (see noise section below).

It should be noted that as the highway boundary currently abuts the wall of the existing building it would be necessary for a small area of highway to be formally closed. The closure can be implemented under S247 of the Town and Country Planning Act as the land is required for the development to be carried out.

Overall the proposal is not considered to be incompatible with the aims of UDP Policy S10(f), which requires developments to be served adequately by transport facilities and provide safe access to the highway network, appropriate off street parking and not endanger pedestrians. While no off-street parking is provided, this is not considered to be inappropriate.

This is consistent with the NPPF, which also promotes sustainable transport, but clarifies in para. 109 that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case the impact has not been demonstrated to be unacceptable or severe.

Public Art

The development is of a scale to require the inclusion of public art. Rather than standalone artworks, successful public art integrates high quality design, craftwork and materials into the building and/or landscape works. In this case, it is expected that the public art would take the opportunity to add to the pedestrian experience and link to the Grey to Green scheme on Angel Street and Castlegate. There are opportunities for public art in the public realm on King Street and Angel Street and also in elements of the building that have a direct interface with pedestrians. Full details would therefore be conditioned in order to accord with UDP Policy BE12.

Living conditions and amenities of the locality

Living conditions

Each of the 206 no. apartments would comprise an open plan living/kitchen/dining area, a shower room and bedroom(s). The internal space standards within the apartments range, but the smallest of each type would all be around the minimum sizes recommended by the South Yorkshire Residential Design Guide (SYRDG),

which is acceptable. All apartments would offer a good outlook and levels of daylight amenity to their open plan living spaces and bedrooms.

Amenity levels are supplemented by the provision of a shared communal lounge space for residents. It is noted that no balconies or outdoor amenity space would be provided, which is unfortunate, however, this is not uncommon in City Centre apartment schemes, and there is no policy requirement for this. The development would be in close proximity to various public spaces in and around the City Centre and therefore the development can be accepted without such outdoor amenity provision.

The only outlook from the bedroom of 4 no. of the apartments (one on each of the first, second, third and fourth floors) would be into a lightwell arrangement, as these floors are below the roof of the adjacent hotel building. This would offer a substandard daylight and outlook to the one bedroom of each of these apartments. Furthermore, the apartment on the first floor would have no bedroom window at all. Therefore, these apartments are proposed as studios, with a partition enabling the bedrooms to be opened up to the full flat, and the living area's aspect to the north. This is not ideal, as the bedrooms would likely be left partitioned shut, effectively resulting in these one-bed apartments having substandard outlook and daylight amenity to their bedrooms,

However, should the partition allow additional daylight to pass through (i.e. through the use of high level glazing), this would supplement daylight levels into these bedrooms. This arrangement would only affect 4 no. apartments in the whole development, and can be accepted in this case as a compromise, given the studios would all exceed the minimum space standard of 33m² recommended by the SYRDG and offer a good outlook and daylight to the living area. Therefore a detail of the partition would be conditioned.

The arrangement of the recessed stair core to the eastern elevation, above the level of the adjacent hotel building, would present neighbouring bedroom windows facing directly into each other, only approx. 5.5m apart. This raises a privacy concern all the way up the tower, given these would be the main windows to these bedrooms. The impact on the flat to the north of the arrangement would be less severe, as these apartments would have a secondary bedroom window to the side, with an unobstructed outlook. While only a limited outlook would be provided from the bedroom windows of the apartments to the south of this arrangement, angled views out from these windows would be still available across the city, and daylight amenity levels would be acceptable.

While the privacy issue is not ideal, any impacts would be entirely contained within the development itself and would not on impact on existing neighbours. It is not uncommon for windows to be in such close proximity in City Centre schemes, and while this is a negative aspect of the scheme, it is not considered to be justified grounds for refusal.

It was queried whether any of the apartments would be designed to accessible/adaptable and wheelchair accessible standards (M4(2) and/or M4(3) standards in Part M of the Building Regulations) to meet the requirements of an older

growing population. An indicative 25th floor plan (which applies to the 25th-36th floors) was submitted in order to demonstrate how an apartment on these floors could be retrofitted if needed. While this cannot be secured as part of this planning process due to the lack of an up to date policy, it is most welcome to understand that the apartments could be adapted if needed.

Privacy of neighbours

The development would be approx. 14.2m away from the façade of the Castle House/Kings Chambers building to the north on King Street. While the development would present main habitable windows facing those of these existing neighbours, again, the separation of 14.2m is considered to maintain acceptable levels of privacy for both existing and proposed neighbours in this City Centre scheme, where reduced levels of privacy are not uncommon.

Noise and odours

The site lies within a busy City Centre location, where background noise levels are high due to street activities, such as the King Street market, traffic, including buses and trams, and commercial uses in the vicinity.

A noise report has been submitted which is considered satisfactory. A condition would require a scheme of sound attenuation measures to be installed within the residential accommodation, based on the findings of the report, to achieve appropriate noise levels within the accommodation. This would ensure suitably quiet living environment for future occupants of the proposed building in this busy location.

A condition would also require sound attenuation measures to be installed within the proposed ground floor commercial unit to limit noise breakout from potentially noisy commercial uses to acceptable levels.

The above attenuation measures would have to be validated by condition before the development can be brought into use to ensure the required levels have been met and living conditions are acceptable for future residents of the tower, and existing residents in the vicinity, in terms of noise disturbance.

Although sound attenuation measures would prevent noise transferring from the commercial unit to the residential portions of the building, given the unit would be directly below residential properties, and activities in the street, with customers coming and going late into the evening, could cause unreasonable noise disturbance, a condition would limit opening hours from 0700 to 00300 on any day. This would be reasonable in this City Centre location but would prevent comings and goings at antisocial hours (should the unit be used as a takeaway or drinking establishment, for example) causing likely disturbance to residents.

Any potential commercial food use of the ground floor unit would require fume extraction equipment to be installed to ensure fugitive cooking fumes and odours do not cause disamenity for residents within the tower or wider area. Full details of the equipment would therefore be required by condition before any such use were to commence.

A condition would require a Construction Environmental Management Plan (CEMP) to be submitted to assist in ensuring that all site activities are planned and managed to prevent nuisance and minimise disamenity for existing neighbours during construction, primarily the Kings Chambers accommodation at 1-3 King Street, directly facing the site.

A condition would require a delivery, servicing and refuse management plan to be submitted for commercial deliveries and associated activities, and set out procedures and controls designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable, in order to ensure the amenities of existing residents, and future residents of the proposed tower are safeguarded.

Microclimate and wind

Given the scale of the building, such developments have the potential to have serious implications of the microclimate, including the creation of significant wind, daylight and overshadowing issues. In response to this, a solar analysis, a daylight amenity report and a wind microclimate assessment have been submitted with the application.

The daylight amenity report concludes that the results of “Sun on Ground” and “Transient Shadow” assessments show that the proposed development would have little or no impact on levels of direct sunlight to the adjacent pedestrianised areas to the north (King Street) or west/north west (Angel Street/Market Place) of the application site.

It is acknowledged that the development would reduce some daylight to, and impact on the outlook of, the Castle House/Kings Chambers residential building to the north. However, the existing 5-storey structure on the subject site is at similar height to this neighbouring property, and it is not considered that the additional vertical massing would result in a significant reduction in outlook compared to existing.

In terms of daylight, the submitted solar analysis demonstrates that it would be only around midday when the tower would cast a direct shadow onto the whole of this neighbour’s southern elevation (which directly faces the rear elevation of the proposed tower). In the morning and afternoon, the sun would be to the east and west respectively, with direct daylight onto the southern elevation. While there would clearly be transition between these times, casting varying degrees of shadow, it is demonstrated that the tower would not block direct daylight to the most affected neighbour through the whole day. The most significant impact would be limited to the middle of the day. The existing building will also have some overshadowing impact on this neighbour, especially at midday given its close proximity immediately to the south and similar height. Therefore, overall the impact on daylight and overshadowing to this, the most affected neighbouring property, is not considered to be unacceptable or unreasonable given the setting and existing scenario.

Wind tunnel modelling has been undertaken and the microclimate report concludes that when the proposed development is completed, wind speeds would increase in and around the site due to the significant difference in height between the proposed

development and the surrounding buildings. This would result in several thoroughfare locations, entrances to the proposed development and some to surrounding buildings becoming windier than desired or exceeding the threshold for pedestrian safety.

However, a mitigation strategy was developed through further iterative testing, and this, and the design of the building (a slender tower with a curved south-western corner, where the prevailing south-westerly winds are encouraged to flow around the tower rather than being down-draughted to ground level) would reduce wind speeds at windier than desired locations and eliminate any safety exceedances in accessible areas.

The following measures are proposed:

- 1m canopy around the southern, western and northern elevations
- 1.5m fin at the south-western main entrance
- 1.5m solid fin at the north-western corner with an additional 1m porous extension
- Six 6m tall deciduous trees along Kings Street, on the opposite side of the road
- Three 3m long, 1m high 50% porous screens between the four easternmost deciduous trees

The report notes that despite these measures there would be one surrounding building entrance which would be one category windier than desired wind conditions (in terms of comfort), but we can note that this entrance would remain safe for pedestrian use. While not ideal, this can therefore be accepted.

However, as stated, there are concerns with the placement of the trees and the compatibility of these mitigation measures with the Council's plans for the public realm (Grey to Green) on Angel Street. Following a meeting with the developer, it is understood that the mitigation measures could be of a different design (the principle of a sculptured, metal 'tree' was presented, for example), but do have to be in the locations specified. Following this, it was considered through a multi-agency meeting that the Council's public realm scheme on Angel Street could be amended to accommodate the wind mitigation location alongside Grey to Green.

However, the proximity and potential conflict with the cycle lane and entrance to Castle House requires the placing of mitigation here to be carefully considered to prevent unnecessary visual obstruction. As such, while the findings of the report can be accepted, the final design of the mitigation measures themselves would require further consideration to be compatible with the Grey to Green scheme and ensure pedestrian and cyclist safety. Full details of the wind mitigation measures would therefore be required by condition.

Overall, the development would provide sufficient living conditions for future occupiers and accord with UDP Policy H5(b). Subject to the controls and conditions listed, the proposal would accord with UDP Policy S10(b) and H5(a) not cause residents or visitors to suffer from unacceptable living conditions, including air pollution, noise, or other nuisance. The proposal would accord with the NPPF para. 180(a), which requires decisions to mitigate and reduce the potential adverse impacts resulting from noise from new developments on quality of life.

Drainage

The site lies within Flood Zone 1 and therefore does not lie in an area at high likelihood of flooding. However, Core Strategy Policy CS67 requires all developments to manage the impact of flooding.

Some drainage details have been submitted, and the proposed discharge to the combined sewer at 5l/sec would accord with CS67 and would be conditioned. Exact details of location of connectivity will need agreement with Yorkshire Water. This a highly confined site and a proposed attenuation tank is considered acceptable.

Full details and calculations would be required by condition, in order to ensure the development has an appropriate flood risk and drainage impact in accordance with Core Strategy CS67, which can be afforded substantial weight as it is in line with the NPPF paragraph 165, which requires major developments to incorporate sustainable drainage systems.

The conditioning of these details would address the objections raised in relation to drainage. Furthermore, Yorkshire Water requested the addition of conditions requiring no new tree planting to be permitted over or within 5m either side of the centre line of the water mains or sewers, the site to be developed with separate systems of drainage for foul and surface water, and surface water from hardstanding to pass through an oil, petrol and grit interceptor/separator. These conditions have been agreed by the Lead Local Flood Authority and would therefore also be added.

Ecology

An ecological appraisal is not required on this small urban/built site, which comprises no landscaping, trees or greenery. However, all developments are required to provide net gain for biodiversity, in accordance with the NPPF section 15. No ecological enhancement information has been submitted. Green roofs, living walls and bird or bat boxes could be a way in which this development could contribute to net gain in this urban setting. This was explored applicant's agent, where living walls and green roofs were ruled out as not feasible, but agreed to the use of bird and bat boxes. Nonetheless, full details would be conditioned in order to ensure the development accords with UDP Policy GE11.

Archaeology

The archaeological submission has thoroughly considered the available evidence and concludes that there is a low likelihood of archaeological evidence surviving under the present structure, although there is the possibility of deeply cut features. As such, it is possible that archaeological evidence could be disturbed during associated groundworks, particularly outside the footprint of the existing building.

While a draft Written Scheme of Investigation (WSI) for archaeological investigation has been submitted, the South Yorkshire Archaeology Service require some aspects to be amended, and this would be addressed by condition, to secure an appropriate WSI and archaeological investigation.

Land Quality

A Phase 1 Geotechnical report has been submitted. It advises that further investigations in regards to land quality are required, and as such, a set of conditions would be required to ensure that the site is appropriately investigated, and where necessary, remediated, to ensure it is fit for its intended use.

While the site does not lay within the Coal Authority High Risk Area, the report advises that the site is underlain by coal measures, which could have been worked in the past. The report identifies a 1.3m void at a depth of 43m, which could be abandoned workings, but the report states that this is not considered to be a significant risk to the site.

It is the developer's responsibility to ensure any such features are appropriately accounted for and remediated, in liaison with the Coal Authority. Given the site lies outside a Coal Mining Referral Area and the risk is considered to be low, it would not be proportionate or reasonable to add full conditions requiring coal mining legacy to be investigated, and an advisory directive will be added.

The above considerations would ensure that the proposal accords with the NPPF para. 178 and the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Sustainability

The submitted sustainability statement details a number of measures and recommendations that would be incorporated into the build to ensure it accords with Core Strategy Policy CS64 and reduces emissions of greenhouse gases and functions in a changing climate. As such, this statement would be required to be adhered to by condition.

The proposal rules out the possibility of utilising the district heating scheme due to site limitations and the cost of getting a connection to the site and Veolia corroborate this conclusion. The energy strategy states that the development would not accord with the requirements of Core Strategy Policy CS65(a) and provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy or (b) and generate further renewable or low carbon energy or incorporate design measures sufficient to reduce the development's overall predicted carbon dioxide emissions by 20%.

The concerns raised by the Sheffield Climate Alliance on this issue are noted. However, part (b) of CS65 has been suspended in the Climate Change and Design SPD. While a 2011 review was committed in the Climate Change SPD this was not undertaken due to subsequent uplifts in the Building Regs requirements. This element of the policy therefore remains suspended, pending the preparation of the new Local Plan.

The submitted strategy does state that there would be an approx. 11.7% improvement in predicted energy needs via fabric first methods, so this would be

considered to comply with this element of CS65, and full details and calculations would be required by condition to secure this.

These Core Strategy policies are generally consistent with the NPPF, section 14 which requires the planning system to support the transition to a low carbon future in a changing climate, and can therefore be given substantial weight.

While it is acknowledged that there is no discussion about whether energy efficiency would be improved with a scheme of a reduced scale, given the proposal accords with the key policies of CS64 and CS65(a), there are no grounds to seek amendments on this basis of for refusal on climate or sustainability issues.

Employment and Skills

Sheffield City Council requires the developer to deliver employment and skills outcomes as a result of this major development. Prior to the commencement of the development, a condition would require the developer to submit an inclusive Employment and Development Plan, covering the construction phase, which will be designed to maximise the economic and social benefits for local communities from the proposed development. This is secured by condition.

Community Infrastructure Levy

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

The site lies within the CIL Residential Charging Zone 4 where the development of residential floor space (Use Classes C3 and C4) is liable for CIL payments at £50.00 per square metre, plus the national All-in Tender Price Index for the calendar year in which planning permission is granted in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

SUMMARY AND RECOMMENDATION

It is concluded that the development plan policies and the NPPF are closely aligned in the consideration of this application, such that the tilted balance does not apply. The proposed redevelopment of the site for residential purposes is in accordance with relevant national and local policies.

The proposal will secure a well-designed, visually distinctive residential tower on a sustainably located brownfield site, which will create a local landmark and aid the legibility of this part of the city centre as well as providing substantial regeneration benefits.

Future residents will be provided with good living conditions and the scheme will not have a discernible adverse impact on the living conditions of existing nearby residents.

The scheme is car-free which is acceptable in this location. Appropriate servicing arrangements will be provided.

The scheme complies with other policy requirements in relation to sustainability, flood risk and drainage, ecology and environmental matters (including micro-climate).

It will deliver a high quality scheme, including substantial investment in the public realm on King Street, to tie the whole scheme into the Grey to Green project and provide an appropriate setting for this very significant development.

It is concluded that the development accords with the aims of the local development plan when considered as a whole, as well as the key principles of the NPPF. It is therefore recommended that planning permission be granted subject to the listed conditions.