
Case Number	18/02802/FUL (Formerly PP-07138683)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of a Class A1 retail foodstore including car parking, access, landscaping, ball stop netting and supporting structures and sportsfield parking facility (amended plans and description)
Location	Tudor Gates Unit 1 Parkers Yard Stannington Road Sheffield S6 5FL
Date Received	20/07/2018
Team	West and North
Applicant/Agent	GVA
Recommendation	Grant Conditionally Subject to Legal Agreement

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Site Location Plan - 7195-SMR-00-XX-DR-A-2200-S4-P4
Existing Site Plan - Foodstore - 7195-SMR-00-XX-DR-A-2201-S4-P4
Proposed Site Plan - 7195-SMR-00-XX-DR-A-2202-S4-P17
Building Floor Plan - 7195-SMR-00-GF-DR-A-2301-S4-P4
Site Sections - 7195-SMR-00-XX-DR-A-2203-S4-P7
External Works Plan - 7195-SMR-00-XX-DR-A-2204-S4-P10
Cycle Parking and Trolley Bay - 7195-SMR-00-XX-DR-A-2205-S4-P6
Roof Plan - 7195-SMR-00-XX-DR-A-2302-S4-P3
Elevations - 7195-SMR-00-XX-DR-A-2303-S4-P5
Landscape Details - R/2103/1N
Topographical Survey - D510-001

Topographical Survey - D510-002
Highway Markings & Outbound Bus Stop Re-location - 7195-SMR-00-ZZ-DR-A-2211-S3-P11
Proposed Site Plan - With tracking - 7195-SMR-00-ZZ-DR-A-2207-S4-P6
Sports Facilities Access Plan - 7195-SMR-00-XX-DR-A-2206-S4-P7
Existing and Proposed Section Through Existing Concrete Ramp - 7195-SMR-00-ZZ-DR-A-2208-S4-P3
External Works Plan - Site No.2 - 7195-SMR-00-XX-DR-A-2210-S3-P3
Proposed Ball Strike Netting Details - 7195-SMR-00-XX-DR-A-2209-S4-P8

Delivery Management Plan for Night Time Deliveries (published 8th May 2019 as 7830 Memo)
SMR Architects Construction Environmental Management Plan 'Lidl Malin Bridge'
Rev P02 dated November 2019

Reason: In order to define the permission.

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

3. No development shall commence until further intrusive site investigations have been undertaken to establish the exact coal mining legacy issues on the site and a report explaining the findings has been submitted to and approved in writing by the Local Planning Authority. In the event that site investigations confirm the need for remedial works to treat areas of shallow mine workings details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

4. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. 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.

5. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of

the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

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

6. No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

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

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

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

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

9. The development shall not be used unless provision has been made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter, all such areas shall be retained free of all obstructions, including the storage, display and depositing of materials, packaging or other objects so that the service yard is fully available for the parking, turning and manoeuvring of delivery/service vehicles.

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

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

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

11. Prior to the occupation of any part of the development, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority. Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists. The Travel Plan(s) shall include:

- a) Clear and unambiguous objectives and modal split targets.
- b) An implementation programme, with arrangements to review and report back on progress being achieved to the Local Planning Authority in accordance with the 'Monitoring Schedule' for written approval of actions consequently proposed.
- c) Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the Local Planning Authority.
- d) Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

On occupation, the approved Travel Plan(s) shall thereafter be implemented, subject to any variations approved in writing by the Local Planning Authority.

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

12. The development shall not be used unless the car parking accommodation for 113 vehicles as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

13. 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:

i) Closing the site's existing vehicular accesses and constructing a new junction to serve the car park. Carriageway widening across the site frontage to create a right-hand turning lane into the car park from Stannington Road, also with a realigned footway across the site frontage. The Stannington Road southbound bus stop is to be relocated to the gyratory (with a new shelter to South Yorkshire Passenger Transport's requirements) including provision of a raised footway and tactile paving. Footway and kerbing at the old bus stop location is to be made good.

ii) Any other accommodation works to traffic signs, road markings, drainage, lighting columns, and general street furniture deemed necessary as a consequence of the development.

iii) Promotion of a Traffic Regulation Order (waiting/loading restrictions) deemed necessary in the vicinity of the development site and implementation of signs and lines subject to usual procedures.

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

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

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

15. Before the development is brought into use, the riverside cycle/walkway shall have been constructed in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall include the arrangements for future dedication of the route to the City Council should the City Council pursue an extension of the route, and the gating arrangements pending the future extension.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield and Core Strategy Policies CS53.

16. The hard surfacing of the foodstore car park and soft landscaping of the River bank is not approved. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of an amended soft landscaping scheme to include native species/ecological enhancements to the river bank and a hard surface landscape scheme for the car park which shows parking spaces finished in a contrasting material to the main car

park circulation areas as well as details of the drainage and marking out of the car park, shall have been submitted to and approved in writing by the Local Planning Authority. The approved works shall have been installed prior to the occupation of building.

Reason: In the interests of the biodiversity enhancement and visual amenities of the locality.

17. The development shall not be used unless the covered cycle parking accommodation for customers and staff as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport it is essential for these works to have been carried out before the use commences.

18. The development shall not be occupied unless two rapid car charging points and associated parking spaces have been provided within the store car park. The detailed specification of the charging points shall have been approved in writing by the Local Planning Authority prior to their installation. The rapid car charging points and associated parking spaces shall be provided in accordance with the approved details and thereafter retained.

Reason: In the interest of sustainability and minimising the impacts of the development on air quality.

19. Prior to the commencement of development, details of a suitable acoustic barrier to the loading bay, in accordance with the recommendations of approved Noise Impact Assessment report ref. NIA/7830/18/7737/v4, shall first have been submitted to and approved in writing by the Local Planning Authority. The acoustic barrier shall then be installed in accordance with the details approved, prior to use of the foodstore commencing, and shall be thereafter retained.

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

20. All demolition and construction activities conducted on site shall be undertaken in accordance with procedures and safeguards as set out in the Local Planning Authority approved SMR Architects Construction Environmental Management Plan 'Lidl Malin Bridge' Rev P02 dated November 2019.

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

21. 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 demonstrating compliance with approved Noise Impact Assessment report ref. NIA/7830/18/7737/v4, 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.

22. Upon completion of any measures identified in the approved Remediation Strategy, Sirius ref. C7815/RS (Feb 2019) or any subsequently 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.

23. The submitted lighting scheme (published 24th July 2018) is not approved. Prior to any above ground works commencing a revised lighting design, which reduces the impacts of light spillage to adjoining properties on Stannington Road and the River Loxley, shall have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall thereafter be installed in accordance with the approved details.

Reason: In the interest of the amenity of adjoining properties and to mitigate impacts on the ecology of the river.

24. Prior to the installation of the ball stop fencing/netting full details of the design of the stanchions and the specification of the ball stop netting/fencing shall have been submitted to an approved in writing by the Local Planning Authority. The netting/fencing shall be installed in accordance with the approved details prior to the cricket pitch being used. The netting shall be designed to prevent birds from becoming entangled and shall be removed outside of the cricket season when the pitch is not in use

Reason: In the interests of the visual amenities of the locality, biodiversity and to ensure that the netting.

25. Prior to the installation of the sports pitch car parking full details of the proposed drainage, surfacing, layout and marking out of the car parking accommodation shall have been submitted to an approved in writing by the Local Planning Authority. The parking shall be provided in accordance with the approved details before the cricket pitch is used.

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

26. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

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

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

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

- Glazing
- Canopy
- External wall construction
- Roof, eaves and verges

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

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

29. Details of all types of site boundary treatment, including detailed design, materials and specifications of the riverside retaining structures shall have been submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority. The development shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

30. The development hereby approved shall be constructed in accordance with the scheme of works/recommendations set out in the DDA Energy Usage and Sustainability Statement dated July 2018 (published on 20th July 2018). 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 CS65.

31. 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.

32. All construction works shall be carried out in accordance with the recommendations contained in Chapter 5 Evaluation and Recommendations of the RPS Otter and Water Vole Survey dated February 2019 ref: ECO00321_V2 (scanned on 8th May 2019) and the Mitigation measures (Chapter 5) of the RPS Badger Survey Report ref: ECO00321 dated July 2019 (scanned 1st August 2019).

Reason: In the interest of Biodiversity.

33. Within 3 months of the commencement of development details and specification of 3 bird and 3 bat boxes which are to be integrated into the development shall have been

submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter retained.

Reason: In the interest of Biodiversity

34. Should the clearance of site vegetation and/or trees take place within the bird nesting season (March to August inclusive) a pre site clearance check shall be carried out by a suitably qualified ecologist no more than 48 hours before works commence to establish the presence of nesting birds. If active bird nests are present clearance works can only proceed once all chicks have fledged.

Reason: In order to ensure that nesting birds are not adversely affected by the development.

Other Compliance Conditions

35. Pedestrian access from the store car park to the adjoining sports pitches shown on the approved plans shall be retained at all times.

Reason: In order to secure the long term viability of the adjoining sports pitches.

36. All commercial deliveries undertaken between 2300 hours and 0700 hours, shall be carried out in accordance with the noise mitigation procedures and controls, as set out in the approved Delivery Management Plan for Night Time Deliveries (published on 8th May 2019 as 7830 Memo).

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

37. 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.

38. If the adjoining cricket pitch is brought back into use during store opening hours the food store car park shall be available for the users of the adjoining cricket pitches on an unrestricted basis and the car park shall not be the subject of any hours of use restriction and Automatic Number Plate Recognition cameras shall not be installed.

Reason: In order to secure the long term viability of the adjoining sports pitches and to ensure sufficient car parking is provided.

39. The use class A1 retail foodstore hereby permitted shall not exceed a gross internal floorspace of 2,125sqm and a total net sales floorspace of 1,325 square metres.

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

40. The gradient of shared pedestrian/vehicular access shall not exceed 1:12.

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

41. The food store shall be used for the above-mentioned purpose only between 0700 hours and 2300 hours Monday to Saturday and Bank Holidays and between 1000 hours and 1600 hours on any Sunday.

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

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

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

43. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy, Sirius ref. C7815/RS (Feb 2019). 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. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, Howden House, Union Street, Sheffield, S1 2SH, tel. 0114 2734651.
3. This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures (such as a new outfall) in, under, over or within eight metres of the top of the bank of the River Loxley, which is designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

It can take up to two months to determine the application from being duly made. Every effort will be made to process it as quickly as possible, but the applicant is reminded that works should not commence until the permit is granted.

4. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
5. Where a direct discharge to a water course is contemplated, or the proposal lies within a water catchment area, it will be necessary to provide a secondary form of treatment (a filter) to the satisfaction of the Main Drainage Section.
6. Formal consent for the discharge to the river and for the outfall structural design must be obtained from the Council's Development Services, Highways, Flood and Water Management, Howden House, 1 Union Street, Sheffield, S1 2SH (Telephone Sheffield 2734456) before work on site commences.
7. The applicant should be aware that a legal agreement has been completed in respect of this proposal.
8. 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.

9. In considering and devising a suitable Delivery Management Plan, useful reference may be made to the Department for Transport 2014 guidance document "Quiet Deliveries Good Practice Guidance - Key Principles and Processes for Freight Operators". Appendix A of the document provides general guidance, along with key points for delivery point controls, and driver controls.
10. 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.

11. Dependent upon the nature of the highway works being undertaken, you may be required to pay a commuted sum to cover the future maintenance of new and/or improved highway infrastructure.

The applicant is advised to liaise with Highways Maintenance Division early on to determine the approximate cost. In the first instance contact should be made with the S278 Officer:

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

12. 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

13. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

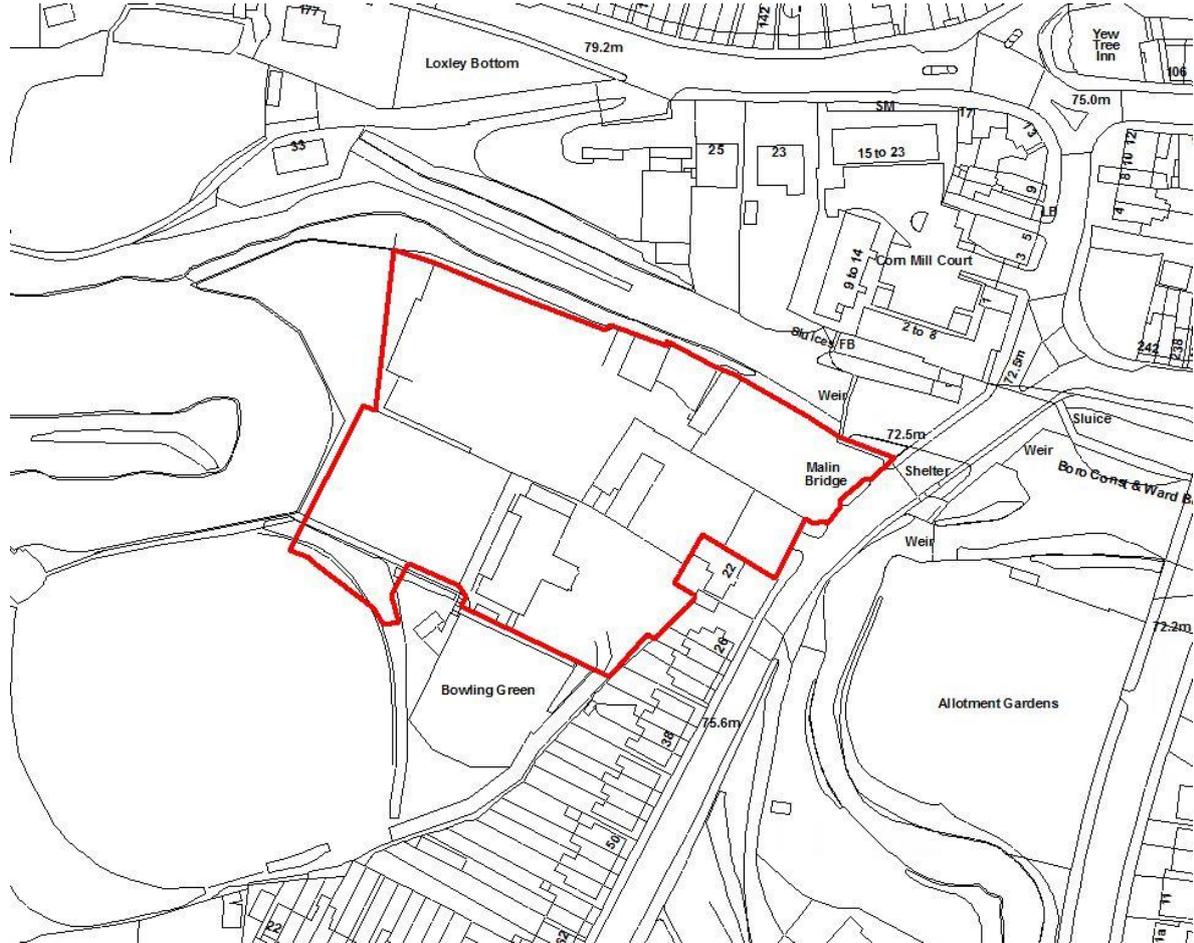
Highway Co-Ordination

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

14. The applicant is advised that the Local Planning Authority has reason to believe that the application site may contain species and/or habitats protected by law. Separate controls and licensing regimes therefore apply, regardless of this planning approval. Please contact Natural England for more information in this respect.

15. 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.

Site Location



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LOCATION AND PROPOSAL

The application site comprises of around 0.9 hectares of land located to the west of Stannington Road, close to the junction with Holme Lane. The application site currently contains a variety of different uses including car sales and repair, surface car parking and open storage areas. It also contains the former Malin Bridge Social Club building (now demolished) and its associated floodlit hard surfaced playing pitch and parking area.

The site is bound to the north by the River Loxley, existing woodland to the west and a large brick retaining wall to the south. To the east are residential properties, a dentist and Stannington Road.

This proposal seeks full planning consent for the erection of a food store with a gross internal area of 2,125sqm and a net sales area of 1,325sqm with 113 car parking spaces, 10 of which are allocated to the adjoining dental surgery. It is proposed to demolish all remaining buildings on site to accommodate the development. A new vehicular access is proposed from Stannington Road, which incorporates a dedicated right hand turn for traffic approaching the site from Holme Lane.

The northern part of the site, which currently accommodates the majority of the car sales areas, parking and associated buildings, falls within a Housing area as defined in the Unitary Development Plan (UDP) proposals map. The southern part of the site which includes the former social club building (now demolished), associated car parking and the hard surfaced playing pitch is in the Green Belt.

During the consideration of the application the site boundary has been amended to include part of the embankment of the adjoining cricket pitch to accommodate some protective ball strike fencing/netting. A small area of land adjacent to an existing football pitch on Myers Grove Lane is also included in the application site. This area is to be used for car parking associated with the adjoining football and cricket pitches. The ball strike fencing and car parking are in the Green Belt.

The former bowling green and the remainder of the cricket and football playing pitches associated with the former Malin Bridge Social club are located within the Green Belt but largely fall outside of the application site redline boundary.

PLANNING HISTORY

05/02632/FUL - Siting of temporary cabins (Retrospective application) - Granted Conditionally.

06/02017/OUT - Erection of 127 residential units and associated car parking accommodation and car parking accommodation for adjacent club and dental practice (As amended by letter and plans of 30/01/07) - Granted Conditionally.

07/04408/REM - Erection of 112 living units with associated car parking and provision of parking accommodation for adjacent Club and Dental Practice - Refused.

09/02757/CHU - Use of haulage yards as self-storage and metals recycling facility (retrospective planning application) - Refused with enforcement action.

10/02115/OUTR - Erection of 127 residential units and associated car parking accommodation and car parking accommodation for adjacent club and dental practice (As amended by letter and plans of 30/01/07) (Application to extend time limit for implementation of planning permission 06/02017/OUT) – Withdrawn.

SUMMARY OF REPRESENTATIONS

This application was advertised by way of site notice, individual letters of notification and by publication in the newspaper. Two separate rounds of consultation have been undertaken due to the submission of amended plans.

77 letters of representation were received in relation to the first round of consultation, 72 in objection, 4 in support and 1 neutral comment.

The representations made in objection are summarised as follows:

Retail Issues

- The proposal will negatively impact existing retailers in the locality which could result in the loss of staff and force local businesses to shut as they cannot compete.
- There are already a number of supermarkets in the area and another is not needed; a Lidl store is located less than 2 miles away (Halifax Road).
- If a Lidl is needed other sites in Hillsborough such as the former Blue Ball pub site should be considered.
- The UDP allocates this site as a housing area where only small shops are acceptable, the supermarket is therefore inappropriate.

Highways Issues

- The proposal will lead to an increase in traffic in an already heavily congested area where roads are operating beyond their capacity.
- There are steady queues on all approaches to the site and it is already very difficult to get out of Stannington due to the limited number of routes available.
- The proposal to create a right turn access into the site (for three vehicles) will cause more vehicles to back up into the Malin Bridge gyratory and Stannington Road, potentially impacting public transport services (bus and tram).
- The proposal will lead to an increase in traffic accidents and risks to the safety of children who walk past the site from Forge Valley School and use the footways and roads around the site.
- An independent assessment should be undertaken to identify appropriate mitigating measures and provision for the safety of pedestrians, including widening pavements and physical barriers to prevent traffic parking on pavements.
- The proposed access from Stannington Road will not work as buses, lorries and other HGV's use Stannington Road.
- The area is very busy even outside of peak times and the addition of a supermarket will only make it worse, leading to increased congestion.

- Housing developments already permitted in Stannington will add to traffic around Malin Bridge and the proposal will only make it worse.
- Parking provision is insufficient; residents at the bottom of Stannington Road and around Malin Bridge don't have off street parking and already park on the footway, additional on street parking will create further congestion.
- Allowing residents at the bottom of Stannington Road to park in the car park would help traffic flows on the network, especially buses.
- There will be increased traffic throughout the day as the store opens 8 am to 10pm.
- Staff travelling to work and parking will give rise to further congestion.
- Removing the pathway to create the access will negatively affect pedestrians.
- The proposal will impact on Bus stops in the vicinity.
- The development would replicate and intensify the traffic problems caused at Wadsley Bridge by the Sainsbury's supermarket.
- Claims made in the applicants transport assessment that the traffic impacts will be neutral as vehicles are already using the network for shopping trips, is misleading. The development will create trips and draw people to it that do not currently use the local road network.
- Council officers must visit the area to witness the existing traffic problems.
- Alternative routes into an out of the area, other than Malin Bridge, are not useable in bad weather.
- Access and parking for the dentist will be affected during the works.
- The Council have previously commissioned independent surveys to find a solution to the congestion along Holme Lane; however no changes have been made to the network since.
- Emergency services struggle to get through the area and this will only be made worse by the development.
- The proposal will lead to an increase in traffic on Hollins Lane which is only single width and is already congested with queueing traffic.
- Bus services in the area are already unreliable due to congestion.
- There is no definition of a severe highways impact in the NPPF, in this case any detriment to the existing traffic situation is considered severe.
- Traffic leaving the site will only be able to turn left and therefore have to enter the one way system.
- The applicants traffic modelling is inaccurate and underestimates the impacts of the development.
- Very few people will walk or cycle to and from the store.

Ecology Issues

- Development that impacts woodland, local wildlife and the river bank should be rejected.
- An assessment of the impacts on adjoining woodland is required as local bird populations are increasing.

Other issues

- Noise and disturbance associated with the operation of the supermarket, late hours of opening and increase in traffic will affect neighbouring residents.
- Additional disruption during the construction period from lorries, noise and dust.
- There will be an increase in litter as school children will use the supermarket.

- The site is in the Green Belt and will affect the aesthetics of the river and the listed Corn Mill.
- The building is identical to other Lidl stores and will be out of character with the area.
- Concerns with increased rubbish and vermin.
- The proposal will increase flood risk in Malin Bridge.
- There would be very limited community benefits associated with the development.
- Pre application consultation with residents was inadequate and the validity of the statistics put forward is questioned.
- The proposal will damage a site of local historical interest.
- The development is not for local people and it won't increase jobs, it will in fact undermine other local jobs.
- The site would be better used for social housing.
- There will be a negative impact on house prices in the area.
- Investment in retail would be better directed towards the City Centre.
- There were a lot of objections to the public consultation exercise.
- Do not want to overlook a supermarket.
- The proposal will result in the old stables behind Forge Farm being demolished, these buildings should be saved.

Health/Air pollution

- The area is already congested and the increase in traffic will give rise to further air pollution which will affect people's health, including children walking to and from school.
- Sheffield has some of the worst air quality in the country.
- Taking down trees on Rivelin Valley Road won't help the air quality situation.
- The air quality impacts of the development have been underestimated.

Bradfield Parish Council

- Bradfield Parish Council recommends refusal of this application.
- The Parish Council has serious concerns in regards to highway issues.
- These concerns relate specifically to traffic generation, vehicle access and road safety; a large increase in the volume of traffic in an area which is already congested and has a local school in the vicinity.
- Parish Councillors also have concerns regarding a potential negative impact on local shops.

Forge Valley School

- Road and footways surrounding the site are extensively used by school pupils, who frequently complain about their safety due to the amount of traffic and lack of road crossing provision.
- The school has reported these issues to Sheffield Highways including the amount of traffic at the start and end of the day.
- A site visit is necessary to assess the situation.

Loxley Valley Protection Society (LVPS)

- Members of the Loxley Valley Protection Society object to the application and support the objections of local residents as well as the Parish Council regarding highways issues and congestion.

- 57 of the 116 car parking spaces are located in the Green Belt. A car park is an essential part of the food store but is considered to be inappropriate development in the Green Belt which could affect the openness of the Green Belt.
- Parts of hard playing surfaces and the former sports and social club are in the Green Belt; however this was in support of a larger sporting facility and was probably built before the Green Belt was designated.
- Previous outline application for resident's development was located in the housing area retaining the sports pitches. The subsequent reserved matters application was refused on Green belt grounds and is applicable to this development.
- SDF proposals maps that show the entire site as a housing area carry no weight.
- The development would impact on the setting of the listed Cornmill. Previous applications (07/04408/FUL) were refused as they would detract from the special architectural and historical interest of the building.
- A number of trees have been removed along the river bank and require replanting.
- The development is unacceptable from a design perspective and various previous applications have been refused for these reasons.
- There are flooding concerns as the site is in Flood Zone 2. There are also concerns with contamination due to previous industrial activity with high risks of pollution to controlled waters. This is a concern given how close the river is.
- Consideration of the impacts of Japanese Knotweed is also required.
- The proposal will result in the removal of the last remnants of Ticket Farm, where a car repair workshop is located. Whilst noting it was not previously considered worthy of listing, it should be recorded.
- The opening hours, operations and comings and goings of customers and associated vehicles will detrimentally affect neighbouring residents.
- Access to the sports pitches and facilities should be retained and CIL money should be put towards renovating the site.
- The proposal is unacceptable from a highways perspective, traffic is funnelled into the area due to the lack of bridges and the topography of the area. The access proposals and dedicated 3 car right turn lane into the site will cause problems. There is an established traffic and congestion issue which will be made worse by the development. The new entrance is very close to a pedestrian crossing which is essential for the safety of children attending Forge Valley School

Rivelin Valley Conservation Group

- The trust supports the objections of LVPS.

Councillor (unnamed)

- The objections of local residents are echoed.
- There is a shortage of good quality housing in the area and the site would be suitable family housing which should be prioritised by planners.
- The area is a bottleneck and there are increasing traffic issues at peak times. The development would increase journeys through the area including delivery van, making a bad situation worse.

- The development will have a negative effect on air pollution which is already poor, conditions should be imposed address any negative effects of the proposal.
- There are a number of existing and alternative retail shops in the area including various supermarkets and another Lidl. The development is not necessary.

Peacock and Smith on Behalf of WM Morrison Supermarkets Group PLC

- The proposal represents inappropriate development and is contrary to the NPPF. The development would clearly impact on the character and openness of the Green Belt. The area in the Green Belt is to be used as a car park with no special surfacing treatment or enhanced landscaping. Green Belt boundaries once established should only be altered where exceptional circumstances are fully evidenced and justified.
- Sport England object and further information is required to justify the loss of facilities where there is a localised identified shortage of playing fields.
- The proposal will result in the loss of employment uses. No details have been provided of the relocation of the existing businesses.
- The health, vitality and viability of nearby centres need to be fully understood to ensure that the defined centres can withstand the impact of new out of centre development. This is particularly important given the fragile retail conditions that many local highway streets are facing. Any loss of trade to an anchor store of a centre such as Morrisons could impact footfall in the rest of the centre.
- No health check assessment has been provided, as such it is unclear if Hillsborough has improved or declined over the last few years. The Council's own Retail Study shows that vacant units have increased from 7.7% in 2015 to 11% in 2016, which demonstrates the declining health of the centre.
- Whilst noting no sites are available in Hillsborough, alternative edge of centre sites have been discounted without robust justification, which have similar conditions as the application site. On that basis the development fails the sequential test.
- The development could hinder development coming forward of sequentially preferable sites.
- Flood risk and drainage, trees and ecology, heritage considerations and highways matters needs to be considered in the planning balance of the application, in addition to the fundamental issues of Green Belt, open space, retail policy and loss of employment.

In support/neutral

- Lidl would bring a price competitive quality supermarket with a wider choice of products to this part of Sheffield offering increased consumer choice, helping to drive down prices at other stores in the area.
- The nearest existing branches of Lidl are a long way away serving the north and south of Sheffield.
- Residents already have to pass through the area to reach other big supermarkets, it is not therefore considered to create much extra traffic.

A second round of consultation was undertaken in May 2019 following the receipt of amended plans. A further 61 letters of representation were received including 42 in objection, 1 neutral comment and 23 in support.

The representations made in objection are summarised as follows:

Highways Issues

- The proposal will have a negative impact on traffic and local people.
- Traffic and congestion is already a major issue and extra traffic from cars and HGV's will impact the safety of pedestrians, school children and cyclists.
- The applicant's comments that the proposal will have a neutral highways impact are ludicrous and if that were the case why not remove the car park?
- The proposals will exacerbate the congestion on the one way system around Malin Bridge.
- Traffic already backs up on the various approach roads to Malin Bridge during the peak hours and more often now in the day time.
- Parking should be provided for residents at the lower end of Stannington Road to alleviate traffic problems.
- The limited public transport is often delayed due to congestion.
- If a bridge across the river onto Wisewood Road could be constructed this would alleviate some of the congestion.
- Relocating the bus stop from Stannington Road to the Malin Bridge Gyratory will cause congestion and accidents as cars switch lanes to navigate around the bus.
- HGV's already find it difficult to access Stannington Road due to on street parking issues.
- Supermarkets deliver at all times meaning there will an increase in traffic late at night as well as during the day.
- Other developments at Deepcar and Wharncliffe Side will increase traffic in Malin Bridge.
- The supermarket could make journeys for cyclist more dangerous, discouraging people from taking more sustainable modes of transport. No improvements for pedestrians and cyclists have been provided.
- The proposal should further fund road improvements elsewhere to reduce congestion.
- Footways past Mousehole Forge from Rivelin Valley Road would benefit from being upgraded for pedestrians and cyclists.
- Detailed analysis of Stannington Road, Hollins Lane (via a narrow bridge) and Roscoe Bank needs to be undertaken as an incident at any of these points causes chaos.
- The Sheffield City Region Transport Strategy 2011 to 2026 (SCRTS) - found that that the Malin Bridge gyratory is "over crowded". The proposal will just add to the problem.
- Access to the site for pedestrians and cyclists is affected by topography. Few cyclist would leave the store laden with shopping.
- The resurvey of the bus stops should have been conducted during term time at the start and end of the school day, as the chosen survey period reduces any adverse impact and risk from the development.
- The proposal will impact emergency services response from the Loxley Road Station.
- The tram would not be able to achieve an accurate service or timetable, leading to more people using their cars.

- The store could not be built in a worst place for creating traffic jams.

Retail Issues

- Small business is already under pressure from other supermarkets, and an additional supermarket will negatively affect local businesses and the economy.
- Anything that siphons footfall away from Hillsborough Shopping area will harm local business and force more closures.
- Local shopping areas should be kept vibrant and thriving and so the scheme should be moved to an empty unit elsewhere.
- The Malin Bridge mini-market already serves the community and has a good range of products is open long hours and so another supermarket is not needed.
- There is already a Lidl in very close proximity to this site so another is not needed.
- The claim of 41 additional jobs does not take account of those that will be lost by existing businesses closing down.

Air quality/health issues

- How will the development contribute to the City wide aspiration of being carbon neutral by 2020?
- Risks to public health from air pollution, in an area where hundreds of local children walk to school.
- Carbon emissions need to be reduced so why is another development that will increase cars being considered.
- Insufficient landscaping is proposed and the scheme will damage the natural environment and wildlife.

Other issues

- The proposal is about finance and not local people.
- Ecology issues for wildlife from ball stop fencing.
- Traffic will increase air and noise pollution.
- The revised plans do not address previous concerns.
- The development will negatively affect amenity of other properties through noise, overlooking, overshadowing, smells, light pollution, loss of daylight, privacy, creation of dust, vibration and late night activities.
- The commercial use is not compatible with residential uses.
- Approval would set a precedent meaning it would be more difficult to object to similar schemes.
- All green space in the area has been let go and built on.
- The proposal will negatively affect the appearance, character and heritage of a quiet an historical area.
- The development is not in keeping with the style and scale of the local area, and the layout and density of the development is unacceptable.
- The cumulative impacts of the development when considered alongside other development would have an adverse impact on the area.
- Demolition has already commenced, this site should be left as a green conservation site.
- The proposal will devalue homes.
- The proposal will provide jobs but at a cost to people's health.
- Allowing additional parking for the sports pitch on Myers Grove Lane will set a precedent for similar developments in the Green Belt.

- Increase in anti-social behaviour if new parking area on Myers Grove Lane not secured.
- The pre application process undertaken by the applicants was flawed and should be subject to scrutiny.
- The design of the proposal and use of materials are not in keeping with the area.
- Signage will detract from the visual amenities of the locality and the listed Corn Mill.
- It would have been better to encourage the re –use of the sports facilities to improve health of the local community rather than encouraging a further supermarket.
- Increase in litter.
- This is an area of natural history interest and near several protected sites. The development will alter the character of the area.
- There is overwhelming objection to the proposal and the approval of the development would not serve the best interests of the local residents or businesses.
- Enhancement to sports facilities to replace those lost should be in Stannington Park, Lomas Fields, Rivelin, Loxley or Bole Hill or local council operated schools.
- Hillsborough Park has already benefitted from a considerable amount of council money and affected users will have to travel through Hillsborough adding to congestion.

Bradfield Parish Council

- The Parish Council have reiterated their previous objections to the scheme.

Loxley Valley Protection Society (LVPS)

- The changes made do not fundamentally change previous objections, and LVPS support the further objections that have been made regarding the need for the store.
- Removing trees on the river bank will reduce screening of the Corn Mill and expose a large blank wall adjacent to the riverbank.
- High net fencing unless sympathetically installed could affect wildlife.
- Parking surfacing should be semi permeable.
- Retention of the sports ground facilities would be a good thing if it could be funded, possibly by section 106 money.
- Concerned with the effect of delivery opening times on neighbours, increased traffic and air pollution and congestion given the size and position of the store.

Rivelin Valley Conservation Group (RCVG)

- The group reiterates their previous objections and supports the additional comments of LVPS.
- Object to the loss of trees on the river bank resulting in an increased impact on the Loxley Cornmill.
- Detrimental impacts on wildlife if the ball stop netting is not installed sympathetically.
- No measures to reduce the impact on Green Belt from parking.
- Legal agreement needed to secure the maintenance of the Sports Ground.
- Amenity impacts on neighbours.
- Tinkering with highways issues cannot make this a narrow stretch of one way road better.

Neutral comments

- If it goes ahead it would be beneficial to have some car charging points to offset the environmental impacts of the development.

In support

- If there were more shopping opportunities closer to where people live then less people would get in their car. This proposal will provide more local shopping opportunities.
- This is a good accessible site for those people who live in Stannington, Loxley, Lodge Moor and more rural areas.
- The proposal will serve local people and ease congestion in Hillsborough.
- Most people don't choose to shop during the peak hours when traffic is at its worst.
- The land looks like a scrap yard and the development would improve it.
- Parking for the dentist would be beneficial.
- The development will create jobs.
- Lidl are a good employer and pay the living wage.
- The proposal will invest a major amount of money to improve existing sports facilities.
- It will improve access to shopping facilities for older people.
- Many people are on a low income and the store would provide good quality low cost food.
- The proposed investment in Hillsborough Park sports facilities will benefit the community

Sport England - Statutory Consultee

Sport England (SE) were consulted on this application as the proposals involve building over the former hard surface pitch and building on land adjacent to the football pitch on Myers Grove Lane. The proposal also has implications for continued access to the sports pitches adjoining the site, associated with the former Malin Bridge Social Club.

There have been extensive discussions with SE during the consideration of the application and in order to try and resolve their concerns the applicants have put forward a series of mitigation measures, which are discussed in more detail below. SE still maintain an objection to the scheme, however this is only on the basis that they wish to see the wording of a section 106 agreement (before a decision is issued) to secure the mitigation measures that have been put forward by the applicants.

Statement of Community Involvement

The Council, in its Statement of Community Involvement (SCI), and the Government (paragraphs 39 to 42 of the NPPF) encourage applicants to undertake pre application discussions with the Local Authority and to engage with the local community and statutory and non-statutory consultee's before submitting an application.

The applicants engaged with the Council's paid pre application enquiry service and they were advised of the planning related issues in respect of this proposal.

A Public Consultation Event was held on Wednesday 27th June 2018 between 14:00 and 19:00 at the St Polycarps Church in Malin Bridge. Local residents, businesses and Councillors were invited. A total of 75 local residents and business were sent a letter on 20th June 2018, inviting them to the event. Approximately 6,000 residents were invited to the event through a leaflet drop. The event was also advertised in the Sheffield Star. A total of 57 people attended to exhibition. The applicants indicate that a total of 65 responses were received either on the day of the event or after the event. A total of 55% were in support of the scheme, 37% were not supportive of the scheme and 8% were not sure. Further leaflet drops have been carried out during the consideration of the application.

The pre-application consultation exercise is considered too broadly accord with the aims of objectives of the Council's SCI.

PLANNING ASSESSMENT

Policy Background

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 which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is a material consideration (paragraphs 2 and 212 of the NPPF).

The documents comprising the Council's development plan date back some time and obviously pre-date the NPPF, but 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. The NPPF provides that the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

Guidance in the National Planning Practice Guidance (the NPPG) further provides that "policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years", and that "due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the policies".

However 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 overarching principle.

Land Use Policy

The UDP Proposals Map identifies the site as falling within two different policy areas. The southern part of the site, which accommodates a section of the proposed food store’s car park, is in the Green Belt, as is the proposed ball strike fencing/netting and the sports pitch parking located off Myers Grove Lane.

The northern parts of the site where the main food store, site access and other parts of the car park are located fall within a Housing Area.

Housing Policy Issues

UDP Policy H10 identifies housing as the preferred use of land in housing policy area. Small shops (use class A1), which are defined by Policy H10 as having a sales area of less than 280 sq. metres, are identified as acceptable uses.

Other shops (use class A1), which for the purposes of Policy H10 are shops with a sales area in excess of 280 sq metres, are identified as unacceptable unless located at the edge of a central, district or local shopping centre. The application site is located at the edge of the Malin Bridge Local Centre. The proposal is therefore considered acceptable in principle in accordance with H10.

Policy H10, however, identifies that development must also be considered against policies H12 to H16 and S5 of the UDP where appropriate.

H12 (Housing in the City Centre) has been superseded by more up to date policy contained in the Core Strategy and is not considered any further as it is not relevant. H13 (Housing sites) relates to specific sites not including the application site and so is also not relevant to the determination of this application.

Parts (a) to (h) and (k) of H14 (Conditions on Development in Housing Areas) which relate to matters of design, securing appropriate access and amenity concerns are considered below in the relevant sections of this report.

H14 part (i) seeks to ensure that the development would not lead to a concentration of non-housing uses that would threaten the character of the area. The site is fairly small (0.9 hectares), is not currently used for housing purposes and is located on the

very edge of the housing area adjacent to a local shopping area. The proposal will not threaten the residential character of the area.

H14 part (j) states that non-housing uses should not prejudice the provision of sufficient housing land for either the next five years or up to 2001.

Paragraph 73 of The NPPF requires local authorities to identify a 5 year supply of specific 'deliverable' sites for housing with an additional 5% buffer. The Council cannot demonstrate a five year supply of deliverable housing sites at this time. The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites.

Furthermore the NPPF places great weight on boosting the supply of new homes (paragraph 59) and gives substantial weight to the value of using sustainable Brownfield land within settlements, such as this site, for homes (paragraph 118 c). This site is not a specifically allocated housing site but it is, in part, in a Housing Area and would be considered a windfall site. Paragraph 68 (c) of the NPPF attaches great weight to the benefits of using sustainable sites within existing settlements for homes.

The site also appears on the Council's 2019 Brownfield Land register, which is a register of previously developed land that the local planning authority consider to be appropriate for residential development having regard to criteria in the Town and Country Planning Brownfield and Registers) regulations 2017.

Policy H14 (j) is considered to align with the requirements of paragraph 73 of the NPPF and is therefore afforded substantial weight in the consideration of this application.

UDP Policy S5 'Shop Development Outside the Central Shopping Area and District Centres' indicates that appropriately sized food stores on the edge of local centres are acceptable in principle, subject to a number of criteria, the implications of which are discussed in detail in the retail section of this report. However, criterion (e) of Policy S5 is considered relevant to the section of the site (approximately 0.5 hectares) located in the housing area. It states that retail development outside the Central and District Shopping Areas 'should not take up land where other uses are required nor give rise to shortages of land for those uses which are preferred.'

The term 'where other uses are required' is defined by S5 as sites that are explicitly safeguarded for housing, a list of which is contained in Policy H13. The site is not listed under H13 and is not therefore specifically required for housing development in accordance with S5. Consideration does however need to be given to whether the development would give rise to a shortage of land for preferred uses (policy S5 criteria (e)) which in this case would be housing in accordance with H10 of the UDP.

Given the housing land supply issues noted above, criteria (e) of S5 is considered to align with the NPPF and, as with H14 (j), is afforded weight in the consideration of this application.

Outline planning consent for residential development was permitted on this site in 2007, at a time when the site was considered to be at a lower risk of flooding, but reserved matters were not approved. The flood risk classification of the site was increased from Flood Zone 1 to Flood Zones 2 and 3 (as per the amended Strategic Flood Risk Assessment of 2008) after the site flooded in 2007. A further application to renew the outline consent was submitted in 2010, but was withdrawn (2011) as it was considered to have failed the requisite sequential and exception flooding tests due to the sites increased flood risk classification. Since 2010 there have been no further applications to redevelop the site for housing purposes and no flood protection measures have been implemented locally or strategically which have reduced the site's flood risk classification.

Whilst part of the application site is in the Housing Policy Area the site is not a specifically allocated housing site, despite it appearing on the Brownfield Land Register. The fact that the site is on the Brownfield Land Register does not indicate that planning consent for housing would be automatically approved. An application would be subject to the consideration of all relevant material planning issues and constraints.

At 0.5 hectares the site comprises of a small area of land when considered in the context of the entire city wide Housing Policy Area. Whilst it would be desirable to maintain as much land as possible for housing given the current 5 year housing land supply position, there are clear constraints with developing this site for residential use given the flooding issues. Taking account of the above, the extent to which the site would prejudice the 5 year housing land supply and/or give rise to a shortage of land for preferred housing uses is considered to be minimal.

There does however remain a strong presumption in favour of housing development and maintaining a supply of deliverable housing sites in the NPPF and the provision of a food store on the part of the application site in the Housing policy area would remove the potential to develop the site for a preferred housing use (Policy H10). The development is therefore considered contrary to policy H14 (j) and criteria (e) of Policy S5 of the UDP. The development should however be considered in light of all other material planning issues, which are considered in detail in the following sections of this report.

Returning to H14, part (l) seeks to ensure that development is of a scale consistent with the residential character of the area or meet primarily local needs. The proposal is considered to be of a scale which would not be out of character with the area and the development could reasonably be considered to serve the local community.

H14 (m) requires compliance with policies H10 to H13 as appropriate. H10 is dealt with above. H11 is not relevant as it relates to housing development in Nether Edge and Broomhall. H12 and H13 are also not relevant as identified above.

Policy H15 (Design of New Housing Developments) and Policy H16 (Open Space in New Housing Development) are not relevant. Open space issues related to the development are considered in light of policy CS47 of the Core Strategy and the NPPF in the relevant section of this report.

Retail Policy

This proposal is for a discount food store (use class A1), which is a 'main town centre use' as defined in Annex 2 of the NPPF. The store has a gross internal floor area of 2,125sqm and a net sales area of 1,325sqm.

The development is located at the edge of Malin Bridge Local Centre which makes it acceptable in principle in accordance with Policy H10 of the UDP. This principle is consistent with the sequential test in the NPPF and the National Planning Practice Guidance on Town Centres and Retail (updated in July 2019) in that edge of centre sites are preferred to sites in out of centre locations. The sequential test in the NPPF still requires in centre sites to be considered in preference to edge of centre locations, though, and Policy H10 is also subject to Policy S5.

UDP Policy S4 states that food retail development will be promoted within District Shopping Centres and, where there are no suitable sites within such Centres, at their edges. As the proposed development is at the edge of the Malin Bridge Local Centre, not a District Shopping Centre, the development is not promoted by Policy S4 as it identifies the Central and District Shopping Areas as the main areas for shopping facilities.

However UDP Policy S5, which relates to retail development outside the Central Shopping Area and District Shopping Centres, provides some policy support for such development and has three parts to it.

The first part of Policy S5 relates to retail development on the edge of the Central or District Shopping Centres and so is not relevant to the determination of this application.

The second part of S5 is more relevant and states that retail development other than within or at the edge of the Central Shopping Area or District Shopping Centres will be permitted if the proposed development is (a) of a small shop; or (b) in or at the edge of a local centre for appropriately sized food stores and other facilities to serve the day-to-day needs of the local population; or (c) in a retail park subject to Policy S9, or (d) in Meadowhall, subject to policy S8.

In terms of compliance with part b) of S5, this development is clearly located on the edge of the Malin Bridge Local Centre (within 30 metres) where it can be easily accessed on foot, though the term 'appropriately sized food store' is not defined by policy S5 and on that basis the scheme must be considered on its individual merits. The proposed development is not considered to be a large foodstore as the net sales area is limited to 1,325sqm. The store would provide a range of goods; however it does not provide the full spectrum of goods that are normally available in a 'traditional' large format supermarket. These points are material but, to determine if the store is 'appropriately sized' it must be considered in light of other relevant guidance, including the NPPF.

The third part of Policy S5 lists seven criteria that all retail development outside the Central Shopping Area and District Shopping Centres must satisfy, including: not undermining the vitality and viability of the City Centre or any District Centre as a whole, either taken alone or cumulatively with other recent or proposed

development; and not jeopardising private sector investment needed to safeguard the vitality and viability of centres. It should also be easily accessible by public transport and on foot; not harmfully effect public transport or movements on the highway network; not generate traffic that would result in a significant increase in trips; not take up land where other uses are required nor give rise to shortages of land for preferred uses; and comply with other relevant policies.

The highways and transport and the land use issues identified in S5 are considered in the relevant sections of this report.

UDP Policy S5 is not however considered to be fully up to date with sequential and impact tests set out in paragraphs 86 to 90 of the NPPF as outlined below. Firstly when considering this proposal policy S5 requires the cumulative impacts of the proposal and other recent or proposed development to be assessed, the NPPF does not. Secondly as written, the text of UDP Policy S5 appears to place an embargo on retail development that is not in or at the edge of a local centre (for appropriately sized food stores) or in other out of centre locations, other than in a Retail Park or in Meadowhall. This is not consistent with the thrust of the NPPF as it does allow such development subject to the sequential and impact test requirements (paragraphs 86 to 90).

The High Court Judgement (Aldergate/Mansfield) does however make it clear that even out-of-date policies still remain part of the development plan, and that any decision is required to assess whether the proposal accords with it, as the starting point. This means the criteria in Policy S5 need to be considered. Nevertheless, it is considered that policy S5 in this instance carries less weight in light of the more up to date guidance contained in the NPPF and NPPG.

Sequential Test

The NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption (paragraph 85).

Paragraphs 86 to 90 of the NPPF describe the circumstances whereby local planning authorities should apply a sequential test (ST) to planning applications for main town centre uses, and require an impact test for proposals with a gross floorspace of over 2500sqm (where there is no locally set threshold, as is the case in Sheffield) which should include impact on investment and on town centre vitality and viability. Paragraph 90 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

The applicants have submitted a sequential test which has been considered by officers. An independent review of the applicant's sequential test, commissioned by the Council, has also been carried out.

The NPPF states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to

become available within a reasonable period) should out of centre sites be considered (paragraph 86).

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

The application site is at the edge of Malin Bridge Local Centre as defined on the UDP Proposals Map. The site is considered to be accessible and well connected as it is located within 30 metres of the Local Centre and is easily accessible by foot, public transport (bus and tram) and private car.

The purpose of the sequential test is to ensure that the suitability of more central sites to accommodate the development has been fully considered. In this case the area of search for sequentially preferable sites is limited to the proposal's primary catchment area (where it would expect to draw 90% of its trade from).

The applicants identify that the proposed development will have a 5 minute drive time catchment area. This includes the densely populated areas of Wisewood, Stannington, Hillsborough and the northern half of Walkley. Hillsborough District Centre, Malin Bridge Local Centre, Dykes Hall Road Local Centre all fall within the catchment.

For the purposes of the sequential test Halifax Road and Chaucer Centre do not fall within the 5 minute catchment. Chapelton, High Green and Stocksbridge town centre (including Fox Valley) are beyond even a 10 minute drive time from the application site and are not within the primary catchment area of the proposed development.

Officers consider and the independent review concurs that a 5 minute drive-time catchment area is suitable for a discount food store. Shoppers will generally travel to the retail destination that is closest to them and a 5 minute drive-time catchment avoids significant overlap with catchments of other existing destinations that are similar in size to this proposal (of which there are several in north and north-west Sheffield).

In its search for suitable opportunities in the catchment, the applicant has set a minimum site size of 0.7ha; a minimum net sales area of 1,063sqm on a single level; and the availability of at least 70 adjacent surface level car parking spaces. These parameters demonstrate flexibility over the format and scale of the development and are considered to be reasonable and to accord with the NPPG which advises that it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed.

The development could not be located within Malin Bridge Local Centre as none of the five vacant units in the Local Centre are of a sufficient scale to be suitable for the development or a reduced scale development at the smaller end of identified parameters. The required car parking could also not be provided.

Out of the 15 vacant units in Hillsborough District Centre only one could potentially be considered suitable for the purposes of the sequential test: the proposed redevelopment of Hillsborough Exchange (comprising the existing indoor shopping Arcade, the Wilko store and the site of the former Old Blue Ball public house). In December 2018 Members resolved to grant outline planning permission, subject to the completion of a legal agreement, for partial demolition of the existing shopping centre and erection of a five-storey building to provide additional ground floor commercial units (use classes A1 to A5 2,643sqm total floorspace) and up to 77 social housing apartments (application no. 18/03405/OUT).

The legal agreement for this scheme has not yet been signed and outline permission not yet been formally granted, but the site is in single ownership and could be developed within a 'reasonable period' (wording in the NPPF paragraph 86).

Officers and the independent review therefore consider the Hillsborough Exchange scheme to be available for the purposes of the sequential test.

The gross floorspace of the Hillsborough Exchange scheme falls within the foodstore size range specified by the applicants, although the actual net increase in floorspace in the Hillsborough Exchange scheme, when taking account of the existing retailers who could potentially take units in the development, is only 638sqm, which is too small to accommodate the proposed development. It is not known how much of the proposed floorspace within the Hillsborough Exchange scheme will actually be available for new retailers as it is possible they (including Home Bargains, Wilko and Clintons) could remain but have not signed up at this stage. For the purposes of the sequential test it is considered that there could feasibly be enough floorspace to accommodate the proposal.

The applicant argues that Hillsborough Exchange is however unsuitable for a number of reasons. It will only provide a total of 58 car parking spaces for the entire scheme to be shared between the various commercial occupiers of the scheme. This is 12 spaces short of the minimum number of spaces required for a reduced scale development at the smaller end of identified parameters and 57 fewer than is actually proposed as part of this application. The development also lacks prominent visibility from a main road, which the applicant considers essential for passing trade, and, while the ground floor layout of Hillsborough Exchange is not fixed at this stage, officers consider that there will be limited road frontage due to the physical constraints of the site and its location.

The applicant also argues that shopping arcades are not desirable for their discount foodstore as they do not provide adjacent dedicated surface-level parking for customers with trolleys and come with additional service overheads associated with the upkeep of the wider arcade.

Taking account of the above officers conclude, as does the independent review, that whilst Hillsborough Exchange might become available within a reasonable time period, it does not represent a suitable site to provide for the broad type of development proposed by this application by approximate size, type, and range of goods. This conclusion is drawn in line with the principles associated with the High

Court Judgement in respect of Aldergate Properties Ltd v Mansfield District Council and Regal Sherwood Oaks Ltd (issued July 2016) in which Mr Justice Ouseley gives clarity to the level of flexibility required when assessing a sequential test.

A site located on the edge of Hillsborough District Centre, on the north east side of the junction with Livesey Street and Penistone Road, has also been identified. Objectors Peacock and Smith (on behalf of Morrisons) have argued that the site is suitable, but at 0.52ha, the site is considered to be too small and there are utilities running through part of the site which will further reduce the developable area.

The site of the application on Penistone Road (ref: 19/00037/FUL) which contains a foodstore (and is considered elsewhere on this agenda) is not sequentially preferable to the proposed development as it is not located within or at the edge of an existing district or local centre.

In conclusion, there are not considered to be any sequentially preferable sites and premises within the proposal's primary catchment which would become available within a reasonable period and which could reasonably accommodate the development proposed or a reduced scale/modified development as identified in the parameters which were used when applying an appropriate degree of flexibility in order to carry out the sequential test. The application therefore passes the sequential test.

Impact Assessment

Paragraph 89 of the NPPF identifies the circumstances where a retail impact assessment is required. It states that where there is no locally set floor space threshold (as is the case in Sheffield) an impact assessment is required for developments with a gross floor space of 2,500sqm or more. The gross floor space of the proposed development is 2,125sqm; an impact assessment has not therefore been prepared by the applicant as it is not required by the NPPF.

Policy S5 of the UDP does however require an assessment of issues relating to impact, in this instance on District Centres as the City Centre is not impacted. S5 is not fully up to date with the NPPF for the reasons identified earlier in this report, but the aforementioned Aldergate/Mansfield High Court Judgement makes it clear that even out-of-date policies are still part of the development plan, and that any decision is required to assess whether the proposal accords with it, as the starting point. The local planning authority may give less weight to S5 but only after it has been considered.

In order to assess the retail impacts of the development the Council commissioned the independent review to carry out an impact assessment of the development in line with paragraph 89 of the NPPF and to address the requirements of policy S5. The independent review covers: (a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and (b) the impact of the proposal on town centre viability and vitality, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme) (NPPF paragraph 89).

The cumulative impacts of the proposed scheme, the Penistone Road scheme (if planning permission is granted) and a recently opened food store, Jacks at Kilner Way Retail Park, have also been considered as required by Policy S5. It is again noted, however, that S5 carries less weight as it is not consistent with the NPPF, which does not require the cumulative impact of other recent or proposed developments to be assessed.

Impact of the Development on Existing, Committed and Planned Investment
Policy S5 part (b) states that all retail development outside the Central Shopping Area and District Shopping Centres must not jeopardise private sector investment needed to safeguard vitality and viability of the Central Shopping Area or District Shopping Centres. In relation to part (a) of paragraph 89 of the NPPF, the independent review identifies the proposed redevelopment of part of the Hillsborough Exchange shopping centre as the only in-centre planned private investment in the proposal's catchment area.

Killultagh Estates Ltd, the owner/developer of the Hillsborough Exchange scheme, have objected to the Penistone Road scheme (ref: 19/00037/FUL) but raise no objection to the proposed development.

In the absence of an objection from Killultagh Estates Ltd, and because the food store is not likely to compete directly with the Shopping Centre as a result of the goods sold, officers and the independent review do not consider that the proposal will threaten the Hillsborough Exchange scheme or other existing, committed or planned investment in a centre in the catchment area of the proposal.

Impact on Vitality and Viability

The second consideration, part (b) of paragraph 89 of the NPPF, relates to the impact of the proposal on town centre viability and vitality, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme). The NPPG provides guidance on retail impact, including steps to be taken in applying the impact test.

The independent review's retail impact assessment includes reference to the Council's Joint Sheffield and Rotherham Retail and Leisure Study (2017). There are some anomalies in the evidence base from the Retail and Leisure Study (2017) which affects the estimated turnover of Hillsborough District Centre reported in the study. Morrisons is a major retailer in Hillsborough District Centre and the 2017 Study ascribed it a turnover of £103.27m based on a household survey of residents across Sheffield and the surrounding areas. However, £33.6m of that turnover is likely to belong to a Morrisons at Penistone Road in Huddersfield. There is also £6m ascribed to Morrisons from the area around Doncaster, Bawtry and Finningley, which seems unlikely given the actual distance from the store. Taking account of the above Morrisons turnover is more likely to be around £63.67m, £4.82m above its benchmark of £58.85m.

Hillsborough District Centre's turnover as a whole (according to the 2017 Study) is £162.95m. Taking into account the above anomalies with Morrisons, the Centre's

turnover would be reduced to £123.35m. Hillsborough District Centre would however continue to trade above its benchmark of £109.51m based on the various companies' benchmarks operating in within the centre.

The above resonates with one of the objections to the Penistone Road proposals (from Peacock and Smith on behalf of Morrisons), which suggests that the Morrisons in Hillsborough District Centre '...does not over-trade and is in fact achieving a company average turnover'. Peacock and Smith have not shared Morrisons turnover information with the local planning authority but the independent review agrees that it is not achieving twice its benchmark turnover as the 2017 Retail and Leisure Study showed.

The independent review advises that Morrisons is likely to still be trading above company average, though, because it does appear to be performing better than some of the Morrisons stores that they visited during the course of audits undertaken for other local authorities in the West Midlands and the North-East. The adjusted turnover figures for Morrisons and Hillsborough District Centre as a whole (£63.67m and £123.35m respectively) reflect this view.

The independent review's assessment of the retail impact fully acknowledges and takes account of the turnover anomalies in the 2017 Study retail study related to Hillsborough and Morrisons.

Paragraph 90 of the NPPF identifies that when assessing impact, development should be refused where it has a significant adverse impact on one or more of the considerations in paragraph 89.

Significant adverse is not however specifically defined in the NPPF. In assessing whether a significant adverse impact is likely to occur, comparing Local and District Centres' post-impact turnovers with their benchmarks is considered to be an appropriate starting point. A judgement then needs to be made about how significant the impact would be, and local circumstances, i.e. the existing health and vitality of the Centre, are an important factor as described in the NPPG. For example, a small impact on an already struggling Centre is more likely to be significantly adverse than on a Centre that has fewer vacancies, a good range of shops and high footfall.

The impact figures for each Centre in the catchment of the proposal are outlined below, followed by an assessment of how each Centre would be affected by those impacts. All of the impact figures are based on a condition being imposed restricting the gross external area of the proposed store to 2,125 sq.m and the net sales area to 1,325 sq.m, in line with what the applicant has proposed.

The first set of impact figures (below) are of the proposal on its own (convenience and comparison goods). The second set (cumulative) include the impact of the proposal together with the Penistone Road scheme (ref: 19/00037/FUL) if approved, and the recently opened Jack's discount food store at Kilner Way Retail Park, which is treated as a commitment (at September 2019).

The Impact of the Proposal (convenience and comparison goods)

The proposed development (as restricted by the imposition of the recommended floor space condition) but not including the cumulative impact of the Penistone Road scheme and Jacks at Kilner Way would have trade draw impacts (expressed as a %) on the following centres:

Hillsborough District Centre	6.0% (mostly from the Morrisons store and the comparison goods stores in the District Centre, taking account for the anomalies in the 2017 Study noted above)
Catch Bar Lane Local Centre	10.9% (mostly from the Asda store)
Dykes Hall Road Local Centre	7.2% (from the Tesco Express store)
Halifax Road Local Centre*	3.9% (mostly from the Lidl store)
Southey Green Local Centre*	2.9% (from the Co-op store)
Malin Bridge Local Centre	2.0%
Herries Road Local Centre*	1.3% (from the Tesco Metro store)
Chaucer District Centre*	0.4% (mostly from the Asda store)

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

Sainsbury's at Claywheels Lane*	2.3% impact
Flora Street Aldi*	1.8% impact

The highest monetary diversions are from:

Hillsborough District Centre	£7.42m
(the Morrisons store)	(£5.28m)
Catch Bar Lane Local Centre	£1.32m
Sainsbury's at Claywheels Lane*	£0.78m
Halifax Road Local Centre*	£0.70m
Chaucer District Centre*	£0.21m

The Centres that would compare least favourable to their benchmarks:

Herries Road Local Centre*	-£5.86m (below its benchmark)
Catch Bar Lane Local Centre	-£1.18m (below its benchmark)
Halifax Road Local Centre*	-£0.63m (below its benchmark)

Hillsborough District Centre, taking into account the anomalies in the 2017 Study, will still be trading £6.42m above its benchmark.

Cumulative Impact

As noted above the NPPF and the NPPG do not require an assessment of the cumulative impacts of developments but policy S5 does (in relation to the City Centre and District Centres). The independent review has assessed the cumulative trade draw impacts (expressed as a %) of the proposed development with floor space conditions, the recently opened Jack's at Kilner Way Retail Park and the Penistone

*Outside the proposal's primary catchment

Road application, the recommendation for which also proposes restrictive goods, floor space and no poaching conditions. It has considered the following centres (including Local Centres as cumulative impact is a material consideration in its own right):

Hillsborough District Centre	11.0% (accounting for the anomalies in the 2017 Study noted above)
Catch Bar Lane Local Centre	25.0%
Halifax Road Local Centre*	24.9%
Southey Green Local Centre *	10.8%
Dykes Hall Road Local Centre	8.3%
Herries Road Local Centre	5.0%
Chaucer District Centre*	3.8%
Malin Bridge Local Centre	2.7%

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

Sainsbury's at Claywheels Lane*	10.1% impact
Kilner Way Retail Park*	9.9% impact
Flora Street Aldi*	7.3% impact

The highest monetary diversions are from:

Hillsborough District Centre*	£13.55m
(the Morrisons store)	(£9.34m)
Halifax Road Local Centre*	£4.50m
Kilner Way Retail Park*	£3.74m
Sainsbury's store at Claywheels Lane*	£3.52m
Catch Bar Lane Local Centre	£3.03m
Chaucer District Centre*	£2.06m

The Centres that would compare least favourable to their benchmarks are:

Herries Road Local Centre*	-£5.99m (below its benchmark)
Halifax Road Local Centre*	-£4.42m (below its benchmark)
Catch Bar Lane Local Centre	-£2.88m (below its benchmark)

Hillsborough District Centre, taking into account the anomalies in the 2017 Study, will be trading £0.29m above its benchmark.

*Outside the proposal's primary catchment

Assessment of Likely Significant Adverse Impact

Hillsborough District Centre

Hillsborough District Centre is characterised by the dominance of the Morrisons store at Hillsborough Barracks and the concentration of comparison goods retailers in the rest of the Centre. There is no major clustering of vacancies in the Centre and the proportion of vacancies – 8.2% in September 2019 – has been consistently below the national average (11.7%) since 2015. The independent review concludes that it is a healthy District Centre, well anchored by Morrisons and provides an appropriate range of comparison shops and other retail services expected of a District Centre. The level of impact for such a Centre will, therefore, need to be high in order for it to be considered to undermine its vitality and viability (policy S5) and to be significant adverse under paragraph 89 of the NPPF.

The impact of the proposed food store on its own, with the recommended floor space condition, is 6% which, given the very good health of the Centre, is not considered to be significant adverse. The Centre as a whole (even accounting for the anomalies in the 2017 Study) will continue to trade £6.42m above its benchmark.

In terms of the cumulative trade impact (of the proposed development, Penistone Road proposal and Jack's at Kilner Way Retail Park), an impact of 11% is predicted, resulting in the turnover of Hillsborough Centre operating just above its benchmark by £0.29m.

Officers do not consider the cumulative impact on Hillsborough District Centre to be sufficient to undermine its vitality and viability because it will still be operating above its benchmark. Moreover Hillsborough is considered to be a healthy centre by the independent review, with a low vacancy rate and a large and well established anchor store.

Malin Bridge

Much of Malin Bridge Local Centre comprises residential development. There are two convenience units, these being a vape shop and Malin Bridge Mini Market. The latter is the only shop in Malin Bridge that is likely to suffer any loss of trade as a result of the proposal. The other comparison retailers in Malin Bridge are quite specialist, including an ammunition/weapons shop and motor dealers. The most important of the three leisure service units is the Malin Bridge Inn.

Whilst the independent review concludes that Malin Bridge is quite a weak and dysfunctional centre, its retail, leisure and services offer is not considered to be materially affected by the application proposal and an impact of 2%. Nor will the cumulative impact be significant (2.7%) when considering the application at Penistone Road and the recently opened Jack's at Kilner Way.

Catch Bar Lane Local Centre

The Catch Bar Lane (also known as Middlewood Road) Local Centre is the largest of the local centres in the catchment area. It is anchored by a small well established Asda store and contains many independent operators. It is a healthy centre with four vacant units (out of 67 units). The independent review considers that the impact of the proposal on its own will not be significant adverse (10.9%).

The cumulative impact of the proposals (25%), taking into account Jack's and the Penistone Road scheme, is likely to have significant adverse impacts on the overall vitality and viability of the Catch Bar Lane Local Centre.

However, there are no grounds to refuse the proposal under policy S5 as the policy only requires the consideration of cumulative impact in relation to the City Centre and District Shopping Centres. Catch Bar Lane is a Local Centre.

Furthermore, the Asda store also serves a small local catchment (unlike Morisons in Hillsborough or the Lidl on Halifax Road for example) and is therefore not competing directly with the proposal in the same way.

Halifax Road Local Centre

Halifax Road Local Centre is a healthy and attractive local centre with a low vacancy rate. The existing Lidl store is the largest of the units in the centre and there is a range of independent convenience and comparison shops. The Local Centre is outside the proposal's primary catchment area hence the low impact of 3.9%.

The cumulative impact of the proposals (24.9%), taking into account Jack's and the Penistone Road scheme, is likely to have significant adverse impacts on the overall vitality and viability of the Halifax Road Local Centre.

However, as above, there are no grounds to refuse the proposal under policy S5 as the policy only requires the consideration of cumulative impact in relation to the City Centre and District Shopping Centres. Halifax Road is a Local Centre.

Southey Green Local Centre

This Local Centre is outside the primary catchment of the proposal, hence the low impact of 2.9%, but is within the catchment of the proposal at Penistone Road. This Local Centre contains a small selection of small convenience stores, food and drink services and a pharmacy and library.

The cumulative impact of the proposals (10.8%), taking into account Jack's and the Penistone Road scheme, is not likely to have significant adverse impacts on the overall vitality and viability of the Southey Green Local Centre due to the health of the centre and it is considered that the centre will continue to serve a very local catchment.

Dykes Hall Road Local Centre

Dykes Hall Road is anchored by a Tesco Express store and serves a local small catchment. The centre as a whole will continue to trade above the expected benchmark as a result of the proposal, with an impact of 7.2%.

The cumulative impact of the proposals (8.3%), taking into account Jack's and the Penistone Road scheme, is not likely to have significant adverse impacts on the overall vitality and viability of the Dykes Hall Road Local Centre due to the health of the centre and it is considered that the centre will continue to serve a very local catchment.

Herries Road Local Centre

Herries Road Local Centre has a Tesco Metro, a Post Office, pharmacy and a range of independent shops, services and food and drink outlets. There are no vacancies (out of 11 units) and the Centre is highly accessible by public transport and provides dedicated on-street car parking. The Local Centre is outside the primary catchment area of the proposal, hence the very low impact of 1.3%.

The cumulative impact of the proposals (5%), taking into account Jack's and the Penistone Road scheme, is not likely to have significant adverse impacts on the overall vitality and viability of the Herries Road Local Centre given the very good health of the Centre.

Chaucer District Centre

This Centre is outside the primary catchment of the proposal, hence the very low impact of 0.4% but is within the catchment of the proposal at Penistone Road. Chaucer District Centre is establishing itself as a successful District Centre with scope for expansion and is anchored by an Asda store.

The cumulative impact of the proposals (3.8%), taking into account Jack's and the Penistone Road scheme, is not likely to have significant adverse impacts on the overall vitality and viability of the Chaucer District Centre given recent growth and prospects for further expansion.

Retail Policy – Conclusion

As described above, there are not considered to be any sequentially preferable sites in the developments catchment area that are suitable and available.

The first part of Policy S5 is not relevant to the determination of this application. The proposals comply with section b) in the second part of Policy S5 as it is located on the edge of the Malin Bridge Local Centre and is an appropriately sized food store.

In order to satisfy the third part of S5, in particular the requirement for retail development to not undermine the vitality and viability of District Centre as a whole, either taken alone or cumulatively with other recent or proposed development; and to not jeopardise private sector investment needed to safeguard the vitality and viability of centres, an assessment of the cumulative impacts of other recent or proposed

development was undertaken. This concluded that the only Centres likely to suffer from significant adverse impacts are Catch Bar Lane and Halifax Road Local Centres.

However, policy S5 specifically refers to the vitality and viability of District Centres as a whole and does not concern itself, on this point, with Local Centres. Policy S5 is not up-to-date as it is not reflective of the sequential and impact tests set out in paragraphs 86 to 90 of the NPPF. The local planning authority is therefore entitled, having considered S5 as the statutory starting point, to give less weight to an out-of-date policy if it is inconsistent with the NPPF.

Officers, therefore, have given reduced weight to policy S5 and concluded that the significant adverse impacts on Catch Bar Lane and Halifax Road should not be determinative because S5 criterion (a) is not concerned with the protection of Local Centres.

While S5 is given less weight, officers are minded that the cumulative impacts of a development are still a material consideration. However, both the NPPF and NPPG are silent on cumulative impacts and so it can only be afforded little weight. On that basis, a refusal on the grounds of cumulative impact (including the proposal, the Penistone Road scheme and Jack's) on Local Centres is not considered to be a reason for refusal.

In isolation, officers and the independent review conclude that the proposal, when considered on its own (i.e. not including, the Penistone Road scheme and Jack's), is not likely to result in any adverse impact on any District or Local Centres in the catchment.

In light of the above, the proposal is considered to be an appropriately sized supermarket which is in a sustainable and easily accessible location and which accords with Policies S5 (b) and H10 of the UDP.

Green Belt

Policies GE1, GE2, GE3 and GE4 of the UDP, Policy CS71 of the Core Strategy (CS) and the NPPF apply with regard to new development in the Green Belt. All of the above policies seek to direct new development to previously developed sites in order to protect the Green Belt from the encroachment of urban development. The Government attaches great importance to the Green Belt and one of the key principles of Green Belt policy is to keep land permanently open (paragraph 133 NPPF), with the policy position being very clear in terms of restricting growth of the built up area. The NPPF clearly identifies that the essential characteristics of Green Belts are their openness and their permanence.

Policy GE3 of the UDP is not fully reflective of paragraph 145 and 146 of the NPPF as the NPPF provides a longer list of exceptions from the definition of inappropriate development, however it broadly reflects the guidance in the NPPF and therefore carries weight. The NPPF identifies that the construction of new buildings and other development, with the exception of certain buildings and uses including the provision of appropriate facilities (in connection with the existing use of land or a change of

use) for outdoor sport and outdoor recreation (paragraph 145b), is inappropriate development in the Green Belt.

Inappropriate development is, by definition, considered harmful to the Green Belt and, in accordance with Policy GE3 and the NPPF (paragraph 143 NPPF) should not be permitted unless very special circumstances exist. The NPPF identifies that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations (paragraph 144 NPPF).

The sports pitch car parking proposed off Myers Grove Lane and the proposed ball strike fencing/netting relate to an existing outdoor sport and recreation uses and are not by definition inappropriate development in the Green Belt in accordance with local policy and the NPPF (paragraph 145b). The impacts on the openness of the Green Belt of these elements of the scheme are however considered below in order to determine their acceptability.

Paragraph 145 g) of the NPPF allows for the complete redevelopment of previously developed sites in Green Belt, subject to not having a greater impact on the openness of the Green Belt than the existing development. Annex 2 of the NPPF specifically excludes 'land in built-up areas such as residential gardens, parks, recreation grounds and allotments' from the definition of previously developed land.

In light of the above the part of the site located in the Green Belt covered by the MUGA, former sports club building and part of its associated car park is not considered to be previously developed land in accordance with the definition set out in Annex 2 of the NPPF.

It is therefore determined that the proposed food store car park, located within the Green Belt constitutes inappropriate development and can only be permitted in very special circumstances.

Green Belt Boundary

The UDP proposals map (adopted in 1998) still defines the extent of the Green Belt in Sheffield. Part of the food stores car park is in the Green Belt, as is the proposed ball stop fencing and the sports facility parking located off Myers Grove Lane.

Policy CS71 (Protecting the Green Belt) of the Core Strategy is relevant and identifies that the countryside and open land around the existing built up area of the city will be safeguarded by maintaining the Green Belt, which aligns with paragraph 133 of the NPPF. The policy does however identify that changes may be made to remove untenable Green Belt anomalies where the change would not undermine the purposes or objectives of Green Belt in that area.

Untenable anomalies are defined in the explanatory text of Policy CS71 as circumstances where it is no longer possible to trace the Green Belt boundary on the ground, as required by national policy. The Green Belt boundary as drawn on the

UDP proposals map cuts across the middle of the former social club building, its associated car park and the flood lit multi use games area. It is quite clear that the UDP Green Belt boundary does not follow any established built form or feature on the ground, as required by national policy, and is therefore an untenable Green Belt anomaly.

The Council previously recognised this Green Belt boundary anomaly as the draft Local Plan Proposals Map (2013 pre-submission version), which has been the subject of public consultation, indicated a revised Green Belt boundary which excluded the former sports club buildings, its associated car parking and MUGA from the Green Belt in line with the wording of Policy CS71.

The pre-submission proposals map carries no weight as a policy document, as following Cabinet authorisation the City Policies and Sites document (including the proposals map) was not submitted to the Secretary of State for examination due to the lack of an identified 5 year housing land supply. Cabinet authorised that work on the emerging Local Plan City Policies and Sites document and the proposals map should be incorporated into a new Local Plan. It was identified that as part of the Local Plan process more land for housing must be bought forward and part of the process of identifying further land would require a review of the Green Belt boundary.

Notwithstanding the status of the City Policies and Sites document (including its proposals map) it is clear that the Green Belt boundary shown on the UDP proposals map is an untenable anomaly and should be the subject of change. It is acknowledged that the formal process for amending or altering the existing Green Belt boundary must be undertaken as part of the local plan review process.

Nevertheless it is considered that the current boundary does not relate to physical features on the ground, as required by national policy. The fact that the current Green Belt boundary is considered to be an untenable anomaly in accordance with CS71 of the Core Strategy is therefore given significant weight in the determination of this application.

Impact on Openness of the Green Belt and the Character and Appearance of the Green Belt.

The effects of all elements of the scheme on the openness of the Green Belt must be considered in order to determine compliance the NPPF.

At a local level policy GE2 seeks to protect and improve the Green Belt environment and policy GE4 seeks to ensure that the scale and character of any development permitted in or conspicuous from the Green Belt is keeping, and wherever possible conserves and enhances the landscape and natural environment. Both policies are considered to align with paragraph 141 of the NPPF which requires local planning authorities to plan positively to 'retain and enhances landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.'

Openness is not defined in the NPPF, however it is generally accepted that openness relates to the absence of development or built form.

The proposed sports pitch parking area of Myers Grove Lane effectively regularises existing informal parking that takes place adjacent to the football pitch on match days. The parking area is small, accommodating up to 15 vehicles and is fairly well screened by existing mature tree planting to the north and established boundary treatment along Myers Grove Lane. By its very nature the parking area will only be used when a match takes place on the adjoining pitches, the visual impact of parked vehicles will therefore be variable and impermanent. Appropriate surfacing can be specified to negate any visual impact on the Green Belt. The sports pitch parking area is not therefore considered to have any material impact and preserves the openness of the Green Belt.

The ball strike fencing comprises of two 17 metre (15 metre from the level of the cricket pitch) stanchions with permeable ball stop netting strung in between. The netting spans a distance of approximately 33 metres and is positioned on the northern boundary of the existing cricket pitch adjacent to the store car park. The ball strike fencing is needed to protect users of the proposed car park and to ensure the cricket pitch remains viable for future use. The exact height of the fencing/netting has been determined by specific specialist advice which has considered the risks associated with balls being struck in the direction of the store car park. The ball stop fencing/netting stanchions are tall, they are however fairly slender structures and only occupy a very small parcel of land. The site is not prominently located and benefits from being screened from the road by existing dwellings on Stannington Road. From the majority of public vantage points the netting and stanchions will be read in the context of rising land and tall mature tree planting located to the west.

The ball stop netting itself will be highly permeable. The proposal is therefore considered to preserve the openness of the Green Belt.

A section of the foodstore car park is located on the part of the site formerly occupied by the Malin Bridge Social Club building (part of), its associated car park and a hard surfaced and flood lit pitch/MUGA. This part of the site is in a very poor condition, the demolition material associated with the social club is spread across part of the land and the fencing, floodlighting and surfacing of the MUGA has been extensively damaged. The proposal which includes new hard surfacing, new lighting, areas of tree planting and hard landscaping is considered to significantly enhance the appearance of the existing site.

The southern and western boundaries of the proposed food store car park are in part defined by brick retaining walls which vary between 1 and 3 metres in height. The land beyond these brick retaining walls is located at a higher level, rises substantially to the south west and is to a large extent covered by mature woodland and trees. The surrounding topography, retaining walls and the adjoining woodland afford the site substantial screening from the wider Green Belt.

The eastern boundary of the car park is defined by existing dwellings and the dentist surgery fronting Stannington Road, which to an extent screens the site. There are some limited views of the site from across the River Loxley further to the north, although these views are broken up by existing buildings and would be largely obscured by the new supermarket building once constructed. Taking account of the above the car parking area is not considered to be prominently located within the

Green Belt and relates more closely to the established urban area to the north and east of the site rather than the Green Belt to the south and west. Consequently, the visual impact of the proposed car parking and its effect on the openness of the Green Belt would be restricted to this enclosed area.

The playing pitch was previously flood lit and the provision of a more modern lighting scheme, which minimises light spillage beyond the site boundaries, is considered to have a beneficial impact on the Green Belt. Although the development will result in increased levels of car parking, it is noted that in addition to the floodlit MUGA, the site previously contained a two storey building (now demolished) and parking associated the social club. It is argued that the current/previous use has a greater impact on the openness of the Green Belt than the development now proposed.

The store building itself is located entirely within an allocated housing area; it is however adjacent to the Green Belt. Development conspicuous from the Green Belt should be in keeping and wherever possible conserve and enhance the landscape and natural environment in accordance with Policy GE4. The building is located on a part of the site that contains, parking areas, some storage buildings and hardstanding. The proposed building is a fairly squat structure with a monopitch roof and a modern aesthetic. It is faced in render, stone, metal cladding and incorporates large areas of glazing. Taking account of its fairly high quality external appearance, its relatively modest size and scale, and its position on the northern boundary of the site adjacent to established built form, it is considered to be in keeping with the area and to conserve the landscape and natural environment and it does not have any harmful impact on the character, appearance or openness of the adjoining Green Belt.

Green Belt - Purpose of including land in the Green Belt and other harm. Consideration must also be given to whether the proposal conflicts with the five purposes of including land in Green Belt and gives rise to any other harm as identified in Paragraphs 134 and 144 of the NPPF.

The development would not result in urban sprawl, lead to the merging of neighbouring towns, undermine the setting and special character of historic towns or harm urban regeneration. The section of the proposed food store car park located in the Green Belt is not previously developed land in accordance with the definition within Annex 2 of the NPPF. The land did however previously accommodate the former Malin Bridge Sports Club buildings (now demolished) associated car parking and a flood lit hard surfaced playing pitch.

The southern and western parts of the site are contained by a series of established retaining walls, associated higher ground and mature woodland. It is therefore considered that the use of the land within the Green Belt as a car park, and the development as a whole, will not result in the encroachment of urban development into the wider countryside. The development is not therefore considered to conflict with any part of paragraph 134 of the NPPF.

The proposal is not considered to give rise to any other harm, to the Green Belt or otherwise, that are not outweighed by other considerations (including the loss of housing land) and cannot be adequately mitigated by the design of the scheme,

through the imposition of conditions or appropriate measures secured by legal agreement.

Green Belt – Very Special Circumstances

The proposed ball stop fencing and sports pitch car parking are not inappropriate forms of development within the Green Belt in accordance with paragraphs 145 and 146 NPPF and they are not considered to affect the openness of the Green Belt as identified above.

Part of the store car park is located in the Green Belt and as such is considered to be inappropriate development in the Green Belt in accordance with the NPPF. It is therefore necessary to consider whether very special circumstances exist that outweigh the harm the development would cause to the Green Belt by reason of inappropriateness (paragraphs 143 and 144).

There is no definition within national or local policy of 'very special circumstances' and as such each proposal must be considered on its individual merits.

Policy CS71 of the Core Strategy is relevant to the consideration of very special circumstances. In light of CS71 it is considered that the Green Belt boundary at this site represents an untenable Green Belt anomaly as it does not currently follow any recognisable physical features on the ground as required by national policy. In fact the current boundary cuts through the former social club building, its car park and the MUGA.

The complete removal of the application site from the Green Belt would have to be subject of a wider Green Belt review and further public consultation exercise as part of the new Local Plan process. However the Council has previously recognised the need to change the Green Belt boundary, as it consulted on a proposal to remove the entire site from the Green Belt as part of the previous local plan process. It is therefore considered that the current boundary is an untenable Green Belt boundary and should be subject to change. The development proposed falls entirely within a clearly defined area bound by retaining walls and other recognisable physical features and landform. The untenable anomaly with the Green Belt boundary is afforded substantial weight in the consideration of very special circumstances. A presumption in favour of sustainable development is identified as a golden thread of decision making within the NPPF, an integral part of which the government states is building a strong and competitive economy. It gives significant weight to supporting economic growth and states that planning policies and decisions should help to create conditions, in which business can invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity.

The existing site is underused comprising of a small vehicle repair garage and a car sales lot, the social club has been demolished. It is a fairly low employment generator. The applicant's supporting submissions indicate that the food store, once operational would employ approximately 40 staff. There would also be additional job creation during the construction phase of the scheme. In light of the aims of the NPPF to support growth, the economic and employment benefits of the proposed

development are afforded weight in the consideration of Green Belt very special circumstances.

The majority of the development (including the new store building) is located in a housing area however part of the car park is located in the Green Belt. The store car park is a functional and intrinsic element of the overall scheme and without it the development would not go ahead or be considered viable.

The size and layout of the car park has been designed to allow the safe and efficient movement of customers and delivery vehicles. The level of car parking proposed is considered essential to support the operation of the store, as well as providing replacement parking for the neighbouring dentist and parking provision for users of the adjoining sports pitches. The number of spaces proposed and the car parks physical size and extent could not therefore reasonably be reduced without affecting the overall viability and deliverability of the entire scheme. Car parking could also not reasonably be provided elsewhere, separate or devoid from the store, as this again would affect the viability and deliverability of the development as a whole.

The existing site is in a poor condition and it is argued that the removal and replacement of the former social club building (now demolished) and flood lit MUGA with a parking area that includes a modern lighting system and hard and soft landscaping enhances the visual amenities and openness of the Green Belt. The proposal also provides new facilities (ball stop fencing and parking) which will enable the adjoining sports facilities (cricket pitch) to be reused in the future.

Something that is unlikely to occur if the site remains in its current condition as access to the pitches could be restricted/removed.

In addition no alternative sites have been identified that would be suitable and preferable from a retail policy perspective and this site is considered to be sustainably located from an access perspective.

These issues when considered in combination are considered to amount to very special circumstances which outweigh any harm caused to the Green Belt.

Conclusion – Green Belt.

The proposed development is considered to preserve the openness of the Green Belt, and any visual impacts would be limited to the confines of the existing site. The development is also considered to improve the appearance of this untidy and semi-derelict site that currently detracts from the openness and appearance of the Green Belt. The resurfacing of the part of the site in the Green Belt, improved landscaping and the provision of a more modern lighting scheme are considered to materially improve the condition and appearance of the site, thus enhancing the Green Belt.

The proposed ball stop fencing and sports facility parking located of Myers Grove Lane is appropriate development in the Green Belt in accordance with paragraph 145b of the NPPF and is considered to preserve the openness of the Green Belt.

Very special circumstances are considered to exist, as detailed above, which outweigh any harm to the Green Belt, conflict with the purpose of including land within the Green Belt and any other harm arising as a result of the development.

Impact on Sporting Facilities

Sport England are a statutory consultee as the development has the potential to prejudice use of and/or lead to the loss of a playing pitch when the former Malin Bridge Social Club site including the cricket and football pitches, bowling green (majority of which are outside the redline) and Multi Use Games Area (MUGA) are considered as a whole. The proposal also involves development affecting a sports pitch, albeit the area affected is not actually capable of being used as a playing pitch, as it is a small area of grass adjacent to an existing pitch where some ancillary parking is proposed.

There have been extensive discussions with Sport England (SE) and its consultees including the English Cricket Board (ECB) during the consideration of the application as objections were raised in relation to the following:

- ball strike nuisance associated with the Cricket pitch,
- retention/provision of access to the adjoining sports pitches (football and cricket),
- the provision of adequate car parking for the cricket pitch,
- and the loss of the hard surfaced Multi Use Games Area (MUGA).

The site is not in an allocated Open Space Area; however the proposal does build over a MUGA. The parking area associated with the former Malin Bridge Social Club would also be removed as part of the development, which would have been utilised by teams using the adjoining grass sports pitches.

For the purposes of Policy CS47 (Safeguarding Open Space) the MUGA and adjoining sports pitches are considered to be 'formal open space' in accordance with the definitions provided in the explanatory text of the policy. The status of the land as formal open space is unaffected by ownership.

CS47 sections (a) to (d) identify where development will not be permitted on open space, and the second part (e) to (g) allows for development that would result in the loss of open space providing a number of criteria are met.

Paragraph 97 of the NPPF requires that existing open space, including playing fields should not be built on unless a number of criteria are met. These are:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Policy CS47 and paragraph 97 are broadly aligned.

A quantitative assessment of open provision in the local area indicates that formal open space provision falls below the minimum standards of 1.3 ha/1000 people, as set out in CS47. As a result of building over the MUGA the proposal would result in the loss of a further 0.13 hectares of formal open space, reducing overall formal open space provision from 1.06 ha/1000 to 1.047ha/1000 people. The grass pitches (football and cricket) adjoining the site are retained. Overall provision of open space (combination of formal and informal space) within the local area would remain well above the recommended threshold of 4 ha/1000 people even with the development in place. The proposal is however considered contrary to CS47(a) due to the impact on overall formal open space provision.

Part (b) of CS47 sets out that development will not be permitted where it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value. The MUGA is in a poor state of repair and could not currently be considered to be a high quality facility. Although located in the Green Belt the MUGA does not have any heritage, landscape or ecological value.

The MUGA has not been used for a number of years and is in private ownership and is no longer useable. Access to the MUGA would have been controlled by the former social club which has now been demolished. The MUGA is partially covered by demolition material and the MUGA fencing, flood lighting and surfacing has been extensively damaged. The MUGA is not currently accessible to the general public, it is not safe to use and it would require major investment to bring it back up to a basic usable modern standard. Given the above it cannot be argued that people in the local area would be denied easy or safe access to an open space. As such there is no conflict with CS47 (c). The loss of the open space would also not impact on the City's Green Network complying with CS47(d).

In order to comply with CS47(e), and paragraph 97 of the NPPF, where the open space is not surplus and the development is not ancillary to the open space or for alternative provision, the development should only be permitted whereby an equivalent or better quality replacement open space would be provided in the local area. A pragmatic approach to the policy issue is to agree a financial contribution which would be used to provide/enhance formal open space provision in an accessible place elsewhere in the locality. Given the restricted dimensions of the site and the nature of the development proposed it would not be possible to provide a new facility alongside the proposed development.

There is no set formula within policy CS47 or the NPPF for calculating a financial contribution. Sport England's Facilities Costs Guidance (2019) Document does provide some guidance, however in this case officers have consulted SE and the Council's Parks section to understand where it would be feasible to provide a replacement MUGA and the costs associated with undertaking the work. A suitable site within Hillsborough Park has been identified. Although the site is slightly in excess of the distance (1200 metres) specified in CS47 (e) where a replacement facility should be provided in the 'local area' it is reasonably close to the application site (approximately 1.25 km) and is highly accessible by multiple modes of transport. The site also benefits from dedicated parking provision which could serve the new facility.

The proposed MUGA would replace an existing poor quality hard surfaced area located in the north east corner of Hillsborough Park. This area is already flood lit; however it does not benefit from any enclosures or means of physically subdividing the pitches/courts and is in need of major improvement in order to meet Sport England standards for such facilities.

The proposals would not constitute new provision in terms of CS47 and the NPPF, however the works required are substantial and would result in the replacement of the existing poor quality MUGA associated with a former private social club with a high quality facility located in a public park. There are a number of other improvement projects proposed for Hillsborough Park and this scheme would contribute greatly to the enhancement of existing sporting facilities. In order to undertake the works the applicants have agreed to make a financial contribution to the Council of £207,302.40, which will be secured by section 106. Subject to the above Sport England have no objection to the loss of the existing MUGA within the application site.

Cricket Issues

The Sheffield City Council Cricket Strategy (2016) has identified a need for 3 more cricket grounds (29 wickets) in the city to meet current and future need. The cricket pitch adjoining the application site is not currently used and was not identified within the 2016 Cricket Strategy. The site was last identified as a cricket pitch in the Council's 2011 Playing Pitch Strategy. The applicants have indicated that the pitch is of a poor quality due to ground conditions, and the current land owners do not intend to actively seek its reuse in the immediate future. However as there is an identified shortage of cricket pitches in the city it is considered that the proposed development should not compromise the ability for the pitch to be reused.

The development does not encroach onto the Cricket pitch. The pitch was, however, associated with the former social club. Pedestrian access to the pitches from the site will be provided by retaining a stepped and ramped access from the food store car park. Users of the grass pitches will also be able to park in the main store car park as the applicants have confirmed that no parking restrictions (time limits) will be in force, details of which will be secured by condition.

The cricket and football pitches will also remain accessible from Myers Grove Lane, where additional sports pitch parking will be provided by the applicants. This parking is primarily to cater for the cricket pitch. As the cricket pitch is not currently actively used the parking will not be provided up front. The applicants have however committed to provide the parking within a reasonable period (6 weeks) should the landowner notify them that the cricket pitch is to be brought back into use. The detailed mechanism for the delivery of the sports pitch parking will be secured by section 106 agreement.

A section of ball strike fencing/netting is also proposed along the northern boundary of the cricket pitch adjacent to the store car park. This fencing is required to protect the users of the new store from balls being struck into the car park should the cricket

pitch be used. The fencing/netting also ensures that the potential reuse of the cricket pitch is not sterilised by the proposed development.

The design, position and height of the fence and netting has been determined by specialist advice and is considered appropriate by Sport England and the English Cricket Board. In order to keep the fencing at the minimum possible height the wicket (should it be reused) is also required to be reoriented in accordance with Sport England's guidance. As the cricket pitch is not currently actively used the applicants do not intend to implement the ball stop fencing or re-orientate the wicket up front. The detailed mechanism for delivery of the ball strike fencing and reorientation of the wicket will again be secured by section 106 agreement.

All of the above points have now been addressed to officer's and Sport England's satisfaction. Sport England continue to maintain an objection to the scheme, but only on the basis that they wish to see a signed section 106 agreement securing the mitigation measures identified above before formally withdrawing their objection.

Design Issues

Policies CS74 and UDP policies BE5, BE6 and H14 seek to secure high quality developments which are well designed, of an appropriate scale and which would enhance the character and appearance of the area including the provision of suitable landscaping and integrate existing landscape features where appropriate.

Paragraph 124 of the NPPF identifies that good design is a key aspect of sustainable development. Paragraph 127 sets out a series of expectations including ensuring that developments add to the quality of the area, are visually attractive as a result of good architecture; layout and landscaping; are sympathetic to the local character and surrounding built environment; establish and maintain a strong sense of place; optimise the potential of a site and create places that are safe, inclusive and accessible.

The principles contained within the local design policies seek to secure developments that are high quality, well designed, distinctive and sympathetic to local character. These principles align closely with paragraph 124 and 127 of the NPPF and as such it is considered that they can be afforded significant weight. In order to accommodate the development all existing buildings and users of the site are to be removed. None of the existing building within the site are considered to be of any value to warrant their retention or protection.

The application site has a fairly narrow frontage to Stannington Road where a new access is to be formed between the existing dentist building and the River Loxley. The majority of the site is concealed by existing properties on Stannington Road, tree cover adjacent to the River Loxley and the established buildings further to the north.

In order to accommodate the site access the proposed food store is located in the North West corner of the site, set back from Stannington Road. The proposed building is single storey and incorporates a shallow, monopitch roof. The building is a simple contemporary design and is faced in a combination of render, high quality

metal cladding and elements of natural stone. The front elevation of the building is largely glazed which helps to animate the façade when viewed from Stannington Road.

Some mature trees have been removed alongside the river by the site owners due to concerns with the river banks stability; however a number of the more mature trees, located closer to Stannington Road are to be retained as part of the scheme. Appropriate landscaping is provided throughout the scheme, including new and replacement tree planting.

The layout and scale of the development, the contemporary approach to building design and the use of high quality materials are considered to be acceptable in accordance with policies CS74, BE5, BE6 and H14 and the NPPF and will improve the appearance of this rather untidy site.

Impact on Heritage Assets

The site does not fall within or adjoin a Conservation Area. The northern boundary of the site defined by the River Loxley does however abut an Area of Special Character as defined in the UDP. Policy BE18 of the UDP seeks to protect the appearance of Areas of Special Character by retaining features which contribute to the character of the area and requiring new development to respect the appearance and character of the area. Whilst BE18 is a saved policies, the UDP makes clear that the Area of Special Character designation was given to areas that were likely to become Conservation Areas and that the tighter controls in these areas was designed to safeguard them until such time that their declaration as conservation areas could be considered. However, the UDP was adopted in 1998 and the evidence base that supported its policies is even older. In that time, two Areas of Special Character have been declared as new Conservation Areas and four others have been added to existing Conservation Areas. But there are no proposals to designate further Conservation Areas. Whilst it is acknowledged that the site lies adjacent to an area with some historical character, the weight afforded to policy BE18 is reduced.

In relation to its consistency with the NPPF, the Area of Special Character would be considered a non-designated heritage asset and a balanced judgement of the impact on its significance is required in accordance with paragraph 197 of the NPPF. There are no listed buildings within the site. The closest listed building is the Grade II listed Loxley Cornmill, which is located on the northern bank of the River Loxley, opposite the site. Policy BE19 identifies that development is expected to preserve the character and appearance of a listed and its setting. This policy aligns with the following guidance in the NPPF.

The NPPF seeks to protect heritage assets from unacceptable harm (paragraph 190 NPPF). Paragraphs 193 to 199 of the NPPF identify how the effects and impacts on heritage assets should be considered. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). This is irrespective of whether any

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

It goes on to say that any harm to the significance of a heritage asset requires 'clear and convincing justification', that substantial harm to Grade II listed buildings should be exceptional (paragraph 194); and that, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal' (paragraph 196).

In considering whether to grant planning permission for development which affects a listed building or its setting, section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 states that the local planning authority shall have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

The proposed building is set well back from Stannington Road within the application site. The listed Cornmill is approximately 20 metres to the north of the application site boundary and approximately 39 metres from the closest part of the proposed building separated by the River Loxley.

The proposed development is considered to represent a significant enhancement in the appearance of the site, which currently accommodates car sales uses and associated buildings including some fairly poor quality lock up warehouse type structures located adjacent to the river.

The part of the application site located closest to the Cornmill will be landscaped, and includes a new access path to the store and additional car parking spaces. The more mature tree planting along the river bank will be retrained which will screen part of the application site from the north. A stone wall is proposed along the site frontage to tie in with the adjoining bridge.

Officers have concluded that the proposals, which are considered to be acceptable from a design perspective, cause no harm to the significance or affect the setting of the listed Cornmill or have any impact on the character and appearance, and thereby the significance, of the adjoining Area of Special Character.

Highways Issues

Policy H14 part (d) seeks to ensure that development would provide safe access to the highways network and appropriate of street parking and not endanger pedestrians, part (k) also identifies that development should not lead to excessive traffic levels.

Policy S5 identifies in part (c) that retail developments outside the central and district shopping centres should be easily accessible by public and private transport and provide access for pedestrian, cyclists. They should also (part d) not have significant impacts on public transport services or other movements on the road network; and (part e) traffic generated should not result in a significant increase in the number and length of customer trips.

Policy CS 51 'Transport Priorities' sets out six strategic priorities including developing alternatives to the car, containing congestion levels and supporting economic growth through demand management measures and sustainable travel initiatives.

Policy CS 53 'Management of Demand for Travel' also seeks to make the best use of the road network, promote good quality public transport walking and cycling and use travel plans to maximise use of sustainable forms of travel and mitigate the negative impacts of transport.

The NPPF (paragraphs 102 to 111) promotes sustainable transport. The above policies are considered to broadly align with the NPPF and therefore carry weight in the determination of the application. The NPPF also states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF paragraph 109).

The application site is located at the bottom of Stannington Road close to Malin Bridge Gyratory. There are three separate dropped kerbs within the site frontage which serve the various existing uses on the site. It is proposed to stop up these access points and create a new single point of access into the site. The new access will include a new right hand turn lane for traffic approaching the site from Holme Lane. The extra road width required to accommodate the access will be provided by taking land from within the application site and realigning the existing carriageway.

Traffic Modelling

The application is supported by a transport assessment undertaken by EJS Associates and Fore Consulting Ltd on behalf of the applicants who had access to the Council owned micro-simulation model (Aimsum) of the Upper Don Valley. The micro simulation is a 'real-time' model that replicates the build-up and dissipation of traffic on the highway network throughout the day and during the peak periods. The peaks traffic periods assessed for this development were the AM weekday 0800 – 0900 hrs; PM weekday 1700 – 1800 hrs; and Saturday (no football) 1200 – 1300 hrs.

New food retail vehicle trips generally tend to be modest compared with the surveyed background flows (and most of them are not actually new trips). It is accepted by highways practitioners that trips attracted to this type of development are mostly already circulating on the local highway network. Types of trips are broken down as follows:

- New Trips are classed as trips not previously on the highway network prior to the development opening.
- Transferred Trips are already present on the local road network, accessing similar existing sites in the locality of the proposed development and have the potential to transfer their destination to the new development.
- Linked Trips are trips that have multiple destinations within a proposed development site (say between food and non-food uses).

In these instances, trips should not be double counted. Pass-by Trips are already present on the road network directly adjacent to the points of access and simply turn

into the development. Diverted Trips are already present on the local road network, but not on the road from which site access is taken, and will divert from their existing route to access the site. These are similar to Pass-by Trips, but they have to deviate to make use of the development, before returning to their original route. Existing Trips are those that were attracted to the previous use of the site and should be deducted from the new generation. TRICS Research Report 95/2 suggests only around 30% of trips attracted to food retail developments are actually new to the local highway network.

The cordon for the transport model contained the Malin Bridge gyratory and Holme Lane, including Hillsborough Corner and the Ball Street junction. Dykes Lane, Loxley Road, Stannington Road (with the proposed site access and right-hand turning pocket), and Rivelin Valley Road were all included, along with their approaches. The geometry configuration for the modelling also picked up bus stop locations (as they can impact vehicle flows when a bus is waiting) including the proposal to reposition an existing bus stop from Stannington Road on to the Malin Bridge gyratory.

Automatic traffic counts were undertaken by the applicant of traffic entering the Malin Bridge gyratory over a 7 day period commencing April 2018 (during school term time). A video count was undertaken on Holme Lane owing to the presence of the tram track. The model was then calibrated to ensure base conditions replicated actual known/observed queues and delays on the network contained within the cordon. This applicant's work was validated by the Councils Urban Traffic Control (UTC) team.

Once the 'base' conditions were accurately replicated, the 'do-minimum' flows were added in, which covers the committed housing development at Stopes Road (16/04749/FUL) 62 dwellings; Greaves Lane (17/03711/FUL) 39 dwellings; and Uppergate Road (17/00783/FUL) 19 dwellings, giving a total of 120 dwellings. Using trip rates from the computer database TRICS, the combined predicted flows (which for the purposes of modelling have all been routed along Stannington Road) are: AM peak weekday arrivals to the housing 17, AM peak weekday departures from the housing 45 (two-way 62).

PM peak weekday arrivals to the housing 38, PM peak weekday departures from the housing 21 (two-way 59).

Saturday early afternoon peak arrivals to the housing 13, departures from the housing 26, Saturday peak early afternoon two-way 39.

Finally, the 'do-something' flows were added in, which are the development trips. In order to ensure that model inputs were robust, at officer's request the applicants undertook traffic counts at nearby Lidl Stores to ensure that the traffic generation takes account of local characteristics. At the time, a number of the Lidl stores in Sheffield were being refurbished or expanded. Data was therefore gathered from existing unaffected stores at Catley Road, Darnall and Masbrough Street, Rotherham. The traffic count data gathered from both stores was averaged and factored to match the gross floor area of the proposed store. The figures produced are the gross trip generation (all the different trip types referred to earlier) not just the new trips. This methodology suggests that the:

AM weekday peak would be 56 in 46 out (102 two-way),
PM weekday peak would be 92 in 98 out (190 two-way), and
Saturday afternoon peak would be 158 in 142 out (300 two-way).

These would be the turning movements at the site's access. Trips assigned to the local network within the cordon are 30% of these trips.

In order to further benchmark the traffic generation predicted above, officers undertook some 'snap' surveys at the Doe Royd Lane Lidl Store off the A61 (which had re-opened subsequent to the Darnell and Rotherham surveys being undertaken). It should be noted that a 'snap' survey is just that, a snap shot, and traffic flows are influenced by events occurring on the network at the time of the survey which can affect the results.

The proposed Stannington Road store is bigger than the Doe Royd Lane store. Two surveys were undertaken at Doe Royd Lane, to capture the times pupils are walking to and from school (between 0800 – 0900 hrs and 1445 – 1545 hrs). At Doe Royd, the morning peak hour was 41 vehicles in, 29 vehicles out, two-way 70 trips.

Increasing this to match the floorspace of the proposed store gives a two-way generation of 95 trips, which compares quite closely with the consultants prediction for Stannington of 102 two-way trips in the morning peak.

The mid-afternoon hour long survey at Doe Royd was 90 vehicles in, 81 vehicles out, two-way 171 trips. Factoring this to reflect the size of the proposed store gives a two-way generation of 232 trips. The consultant's prediction for the evening peak at Stannington (1700 – 1800 hrs) is 190 two-way trips, which is more than the actual mid-afternoon at Doe Royd of 171 two-way trips, but 42 two-way movements less when taking account of the respective Store's gross floor areas. Reasons why this might be the case are that the Doe Royd Lane Store is located on a busy dual-carriageway with significantly more passing traffic. A noticeable number of parents were also using the Doe Royd Lane store car park mid-afternoon to collect school children. The surveys at Doe Royd Lane have however given officers the confidence that the consultant's predicted traffic generations for the proposed store are suitable to form the basis of the modelling work.

Taking account to the above the microsimulation model identified the following in relation to the AM peak hour (committed development plus the Lidl flows)

- Right-turn in from Stannington Road 35 vehicles; average delay per vehicle over the hour 1.2 seconds; mean queue length 0.1 vehicles; max queue length 1.5 vehicles.
- Egressing the Lidl car park; 45 vehicles; average delay per vehicle over the hour 11.1 seconds; mean queue length 0.1 vehicles; max queue length 2.9 vehicles.
- Stannington Road; flow joining the gyratory 576 vehicles (an increase of 15 vehicles as a consequence of Lidl); average delay per vehicle over the hour 72.2 seconds (an increase of 8.7 seconds as a consequence of Lidl); mean queue length 11.6 vehicles (an increase of 0.9 vehicles as a consequence of

- Lidl); max queue length 57.8 vehicles (an increase of 5.2 vehicles as a consequence of Lidl).
- Holme Lane; flow joining the gyratory 618 vehicles (an increase of 16 vehicles as a consequence of Lidl); average delay per vehicle over the hour 21.4 seconds (an increase of 3 seconds as a consequence of Lidl); mean queue length 2.8 vehicles (an increase of 0.5 vehicles as a consequence of Lidl); max queue length 21.6 vehicles (an increase of 3.7 vehicles as a consequence of Lidl).
- Rivelin Valley Road; flow joining the gyratory 432 vehicles (reduced by 12 vehicles as a consequence of Lidl); average delay per vehicle over the hour 150.6 seconds (an increase of 33.9 seconds as a consequence of Lidl); mean queue length 14.4 vehicles (an increase of 3.7 vehicles as a consequence of Lidl); max queue length 45.3 vehicles (an increase of 8.4 vehicles as a consequence of Lidl).
- Loxley Road; flow joining the gyratory 323 vehicles (a reduction of 15 vehicles as a consequence of Lidl); average delay per vehicle over the hour 118.4 seconds (an increase of 33.2 seconds as a consequence of Lidl); mean queue length 8.2 vehicles (an increase of 1.9 vehicles as a consequence of Lidl); max queue length 30.8 vehicles (an increase of 2 vehicles as a consequence of Lidl).
- Dykes Lane; flow joining Loxley Road 174 vehicles (a reduction of 5 vehicles as a consequence of Lidl); average delay per vehicle over the hour 62.4 seconds (an increase of 20.1 seconds as a consequence of Lidl); mean queue length 3.6 vehicles (an increase of 1 vehicle as a consequence of Lidl); max queue length 14.8 vehicles (a reduction of 0.6 vehicles as a consequence of Lidl).
- Ball Road remains neutral (no changes).

PM peak hour (committed development plus the Lidl flows)

- Right-turn in from Stannington Road 55 vehicles; average delay per vehicle over the hour 1.6 seconds; mean queue length 0.3 vehicles; max queue length 2.2 vehicles.
- Egressing the Lidl car park 96 vehicles; average delay per vehicle over the hour 3.9 seconds; mean queue length 0.1 vehicles; max queue length 2.7 vehicles.
- Stannington Road; flow joining the gyratory 725 vehicles (an increase of 13 vehicles as a consequence of Lidl); average delay per vehicle over the hour 32.8 seconds (a reduction of 9 seconds as a consequence of Lidl); mean queue length 4.8 vehicles (a reduction of 1.9 vehicles as a consequence of Lidl); max queue length 33.3 vehicles (a reduction of 5.8 vehicles as a consequence of Lidl).
- Holme Lane; flow joining the gyratory 801 vehicles (a reduction of 4 vehicles as a consequence of Lidl); average delay per vehicle over the hour 24 seconds (an increase of 3.3 seconds as a consequence of Lidl); mean queue length 3.8 vehicles (an increase of 1 vehicle as a consequence of Lidl); max queue length 30.9 vehicles (an increase of 4.1 vehicles as a consequence of Lidl).
- Rivelin Valley Road; flow joining the gyratory 313 vehicles (a reduction of 11 vehicles as a consequence of Lidl); average delay per vehicle over the hour 575.6 seconds (an increase of 2.9 seconds as a consequence of Lidl); mean

queue length 47.4 vehicles (an increase of 0.7 vehicles as a consequence of Lidl).

- With regard Loxley Road, Dykes Lane and Ball Road, the differentials between committed development and the possibility of a Lidl Store across all three roads are, flows into the gyratory up between 1 and 6 vehicles; delays neutral, no change in queue lengths.

Saturday peak (committed development plus development flows)

- Right-turn in from Stannington Road 116 vehicles; average delay per vehicle over the hour 0.9 seconds; mean queue length 0.5 vehicles; max queue length 2.5 vehicles.
- Egressing the Lidl car park 145 vehicles; average delay per vehicle over the hour 1.5 seconds; mean queue length 0.0 vehicles; max queue length 2.6 vehicles.
- Stannington Road; flow joining the gyratory 542 vehicles (an increase of 20 vehicles as a consequence of Lidl); average delay per vehicle over the hour 18 seconds (an increase of 2.3 seconds as a consequence of Lidl); mean queue length 1.9 vehicles (an increase of 0.2 vehicles as a consequence of Lidl); max queue length 21.7 vehicles (an increase of 0.4 vehicles as a consequence of Lidl).
- Holme Lane; flow joining the gyratory 744 vehicles (a reduction of 11 vehicles as a consequence of Lidl); average delay per vehicle over the hour 15.4 seconds (an increase of 1 second as a consequence of Lidl); mean queue length 2.2 vehicles (an increase of 0.7 vehicles as a consequence of Lidl); max queue length 21 vehicles (an increase of 5.5 seconds as a consequence of Lidl).
- Loxley Road; flow joining the gyratory 491 vehicles (a reduction of 10 vehicles as a consequence of Lidl); average delay per vehicle over the hour 44.8 seconds (an increase of 28.8 seconds as a consequence of Lidl); mean queue length 5.6 vehicles (an increase of 3.3 vehicles as a consequence of Lidl); max queue length 29.6 vehicles (an increase of 6.4 vehicles as a consequence of Lidl).
- Dykes Lane; flow joining Loxley Road 186 vehicles (an increase of 4 vehicles as a consequence of Lidl); average delay per vehicle over the hour 21.9 seconds (an increase of 14.2 seconds as a consequence of Lidl); mean queue length 1.2 vehicles (an increase of 0.8 vehicles as a consequence of Lidl); max queue length 9.6 vehicles (an increase of 2.7 vehicles as a consequence of Lidl).
- Ball Road remains neutral (no changes).

Interpreting the above, modelling officers consider that the proposed new site access and associated right-hand turning lane perform well during all three peak periods surveyed. Relocating the bus stop from Stannington Road to Holme Lane does not have any adverse impact on the local highway network's operation. By relocating the bus stop, the busy section of Stannington Road crossing the River Loxley becomes less cluttered. More space is freed-up for turning traffic into the development, and also for traffic continuing up Stannington Road. The only slight impacts as a consequence of the development are increases in delay on Rivelin Valley Road, Loxley Road and Dykes Lane during the AM peak hour and Saturday peak hour.

The average delay per vehicle over both periods across the above three roads increased by between 14 and 34 seconds, with the corresponding mean queue lengths increased by a range of 1 to 4 vehicles. These increases in delay are caused by heavy traffic conditions on the gyratory, resulting in difficulty joining it. The queues and delays do however dissipate relatively quickly. Outside of the peak periods, the gyratory is free-flowing. What the modelling does demonstrate is that Lidl traffic would not materially worsen conditions on these three roads during the AM peak or Saturday peak. The PM peak experiences no real changes. The modelling also demonstrates only a very low number of new trips are being drawn in along Holme Lane, so there are no issues on the wider strategic network.

The significant volume of objection to the development in relation to current congestion is noted and understood by officers. However, the small increase in delays indicated by the modelling suggests there should be no tangible increase in the uptake of 'dodge' routes along Hollins Lane and up through Walkley/Crookes.

The proposal is not therefore considered to give rise to any severe residual cumulative highways impacts.

Highways Safety Issues

Concerns have been raised about the safety of pupils walking to Forge Valley School along Stannington Road, particularly crossing the proposed site access. The police personal injury accident records have been researched for a 5 year period from January 2013 to December 2017, which revealed three collisions:

- At 12.05 pm, Sunday 28 Dec, 2014: an accident occurred just down from Malin Road in front of the terraced housing where a car travelling northbound along Stannington Road hit a pedestrian clearing snow off his car. The pedestrian (a 53 year old male) was slightly injured.
- At 7.52 am, Tuesday 6th January, 2015: an accident occurred when a pedestrian using the zebra crossing near Wood Lane was hit by a car travelling northbound along Stannington Road. The pedestrian (a 40 year old male) was seriously injured.
- At 8.15 pm, Wednesday 19 June, 2014: an accident occurred on Stannington Road near Wood Lane where a cyclist travelling on the wrong side of the road was hit by an oncoming car. The cyclist (a 17 year old male) suffered a serious injury.

No school pupils were involved in any of these accidents. The proposed site access has undergone a re-design following a stage 1 road safety audit, enlarging the central pedestrian island and reducing crossing distances for pedestrians. The peak times for Lidl car trips do not coincide with the times pupils walk to and from school. Consequently, there is no reason to believe that the granting of planning permission would compromise the safety of school pupils.

The scheme proposed entails closing the site's existing three vehicular accesses and creating a new junction to serve the car park. Carriageway widening would occur across the site frontage to allow for a right-hand turning lane into the car park from

Stannington Road. The Stannington Road southbound bus stop would be relocated to the gyratory. The signalised pedestrian crossing immediately outside the site on Stannington Road would also be retained and its operation is unaffected by the proposed access to the site. These proposals have undergone road safety audits and all the comments made by the audit team have been addressed by the design team.

Pedestrians entering the store from the north and south via Stannington Road can do so without needing to cross the mouth of the new junction. The junction itself has been remodelled to give a larger central reserve following concerns raised by objectors and the road safety audit team. The junction has also been 'tightened up' compared to the original design, to reduce pedestrian crossing distances and tactile paving has been provided. Motorists leaving the car park will be able to turn left or right upon joining Stannington Road. The design of the junction is considered to be acceptable.

Objections have been received which identify that if planning permission is granted conditions are likely to worsen for cyclists using the Holme Lane gyratory and Stannington Road. When Forge Valley School was granted planning permission, a significant sum of money was spent enhancing the pedestrian and cycle environment locally, in an effort to improve safety. Cyclists approaching from the Langsett Road direction have the option of avoiding Holme Lane and the gyratory by using Thoresby Road, which runs into a shared pedestrian/cycle route before joining Watersmeet Road. You can then cycle across the Rivelin Valley Road toucan and off carriageway around the corner before dropping back down onto Stannington Road.

Relocating the bus stop to the gyratory (a cantilevered shelter positioned to the rear of footway) will give more space for cyclists to re-join Stannington Road. If on-street parking was removed from Stannington Road, advisory cycle lanes could be provided. This is not currently proposed though, as it would leave local residents with nowhere to park. Cyclists approaching from the Middlewood Road direction have the option of avoiding Holme Lane and the gyratory by using Taplin Road, Harrison Road, and Dykes Lane (which has a right-turn pocket for cyclists guiding them to the toucan crossing on Loxley Road). They can then continue off-carriageway before using the triangular splitter island at the bottom of Stannington Road to re-join the carriageway. Slightly further away is a zebra crossing on Rivelin Valley Road linking in with Mousehole Forge which continues as a bridleway (which cyclists can use) to the zebra crossing on Stannington Road near the Anvil Public House, which again can be used to dodge Holme Lane.

The proposal is therefore considered to be acceptable from a highways safety perspective.

Parking and Servicing

A total of 113 car parking spaces are proposed. Of these, 6 would be disabled parking spaces, 12 would be parent and child spaces, 10 would also be dedicated for use of patients attending the neighbouring dentist (with direct access from the parking spaces to the rear of the practice). Two electric charging spaces are also provided. The applicants have also confirmed that the car park will be available as

needed by participants playing on the adjoining sports pitches, as required by Sport England. The amount of car parking proposed is considered to be acceptable, particularly given the location of the store so close to a high number of households within a reasonable walking distance is acceptable.

Delivery vehicles would drive through the car park, before reversing into the service bay at the rear of the Store. No parking spaces are required to be coned-off to allow for delivery vehicle turning manoeuvres and the swept-path analysis shows delivery vehicles can enter and leave the site in a forward gear.

6 short-stay cycle stands for customers are proposed at the front of the store under the building canopy with additional covered provision for staff to the rear of the site. A riverside pedestrian/walkway is proposed which would run along the eastern boundary of the site between the store and the River Loxley. If a route is continued in the future crossing the River Loxley, the section constructed by the applicant could be offered up for adoption. Until then, it will be gated at the front of the store.

Highways – Conclusion

A robust traffic modelling exercise has been undertaken and officers are of the view that the development would not materially impact the operation of the local highway network or give rise to any specific highways safety concerns that would warrant the refusal of planning permission. An appropriate level of car parking is provided given the sustainable location of the site and the need to provide spaces for the adjoining dentist and sports pitches. The potential for a future pedestrian connection through the site is secured by condition. In light of the above the development is considered to be acceptable from a highways perspective.

Air Quality

In Sheffield, the health-based national standards and EU limit values for nitrogen dioxide (NO₂) and fine particle (PM₁₀) are breached in specific parts of the city, resulting in the declaration of an urban wide Air Quality Management Area (AQMA) and the production of an Air Quality Action Plan (AQAP).

Paragraph 181 of the NPPF states that decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking account of Air Quality Management Areas (AQMA's). Opportunities to improve air quality or mitigate impacts should be identified and planning decisions should ensure that development in AQMA's is consistent with the local air quality action plan. Paragraph 170 (e) also identifies that new and existing development should not contribute to or be adversely affected by unacceptable levels of air pollution and should help to improve local environmental conditions such as air quality.

Policy CS66 of the Core Strategy states that action to protect air quality will be taken in all areas of the city. Further action to improve air quality will be taken across the built-up area, and particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

Policy GE23 of the UDP states that development will be permitted only where it would not locate sensitive uses where they would be adversely affected by sources of air pollution. H14 (k) also identifies that non housing uses should not lead to air pollution. These policies align with the NPPF's aim of reducing and mitigating the impacts of development on air quality and are therefore afforded weight.

The AQAP (2015) aims to 'reduce nitrogen dioxide (NO₂) and fine particle (PM₁₀) pollution in Sheffield in order to improve the health of local people; by protecting areas of low air pollution and improving areas where pollution is elevated.'

The applicants have submitted an Air Quality assessment which includes an assessment of the air quality impacts of the development during the construction and operation phases of the development. Sheffield City Council's Air Quality Team considers the assessment methodology used to be appropriate.

The proposal would result in the generation of traffic and dust during the construction phase associated with demolition, earthworks, construction and track out, and in an increase in traffic movement in the local area during the operational phase of the development.

The air quality impacts of the construction phase of the development can be adequately mitigated by applying a series of measures including production of a dust management plan (DMP), effective management of demolition activities via a Construction Environmental Management Plan (CEMP) and by ensuring that, as far as practicable, vehicles engaged in the construction phase meet up to date EU emission standards.

Operational air quality impacts from the proposed development arise principally as a result of traffic changes on the local road network. The AQA report identifies that the impact of nitrogen dioxide (NO₂) and of fine particulate matter (PM₁₀ and PM_{2.5}) pollutants on local air quality are not likely to be significant at residential receptor locations in the area. In order to mitigate any residual impact of the proposed development on local air quality, the developer will provide two rapid car charging points within the scheme and where practicable HGV vehicles delivering to the site meet up to date EU emission standards.

It is considered that suitable mitigation measures can be secured which will result in a neutral impact on air quality.

Sustainability

Policies CS63, 64 and 65 of the Core Strategy, as well as the Climate Change and Design Supplementary Planning Document (SPD), set out the Council's approach to securing sustainable development. As this is also a key theme running through the NPPF, these policies are considered to be compatible and can be afforded weight. Policy CS63 gives priority to developments that are well served by sustainable forms of transport, that increase energy efficiency, reduce energy consumption and carbon emissions, and that generate renewable energy.

Policy CS 64 is concerned with sustainable design. This is normally delivered by designing the building to meet BREEAM Very Good standard. The applicant is unwilling to go through the BREEAM approval process because of the significant costs this adds to the development. Therefore it is not possible to say whether the scheme will achieve the standard or not. The submitted sustainability report does however identify that the development will achieve a 25.83% energy reduction and a 21.12% carbon dioxide reduction below the requirements of 2013 building regulations. There will also be low energy lighting design and the building is orientated to take advantage of natural light. Building fabric enhancement and thermal efficiencies are proposed, including high performance glazing to stabilise any temperature fluctuations within the building reducing heat gains and/or losses.

Various building management and monitoring strategies are also to be installed in order to ensure that energy efficiencies are maintained and monitored. The design measures reduce the carbon emission and energy demands of the building substantially in line with the aims and objectives of CS64; in part the development is also located on previously developed land. Given the above the proposal is considered to broadly comply with the relevant parts of CS64.

In addition to the above Policy CS65 of the Core Strategy specifically requires 10% of a development's energy needs to be provided by a decentralised low carbon or renewable resource, a 10% reduction in energy demands from a fabric first approach is also deemed to be acceptable. The applicant's sustainability statement identifies that 49.03% of the store's energy consumption is derived from air source heat pumps which are a renewable energy source. The proposals therefore substantially exceed the Council's policy requirements.

The proposal is considered to be acceptable from a sustainability perspective.

Amenity Issues

Policy GE24 of the UDP states that development should not create noise levels which would cause a nuisance, while policy H14 (k) states that development should not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.

Paragraph 127 (f) also identifies that development should create places with a high standard of amenity for existing and future users. Paragraph 170 (e) of the NPPF identifies that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

Paragraph 180 of the NPPF identifies that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The principle aims of GE24 and H14 (k) is to ensure that existing and future users have a good standard of amenity. This aim is robustly reflected in paragraphs 127 (f), 170 (e) and 180 of the NPPF and as such it is considered that significant weight can be attached to these local policies.

The eastern boundary of the site adjoins the rear garden areas of a number existing dwellings on Stannington Road as well as a Dental Surgery. These properties are considered to be the most directly affect due to their proximity to the site. There are also dwellings located further to the north although they benefit from being separated from the site by the River Loxley.

The main amenity issues associated with the development relate to noise and disturbance associated with the day to day operations of the supermarket including deliveries, customers coming to and from the site and the plant and equipment required to operate the building. The site is already used commercially and includes a car repair business, parking areas for the dentist and a car sales use. All these uses would generate a reasonable level of activity, noise and disturbance throughout the day. The previous social club and its associated MUGA would also have likely operated until late in the evening and this is taken into consideration when assessing the impacts of the proposed development.

The site access is located between an established Dental Surgery and the River Loxley which minimises any noise and disturbance for residential properties adjacent to the site associated with traffic entering and exiting the site. There will however be some increased movements associated with customers and deliveries.

A noise report has been submitted with the application. The report finds that the development will not have a significant noise impact on nearby noise sensitive receptors and that there is already generally high levels of daytime and early evening noise associated with existing commercial activity, the river and vehicle traffic. The applicant's report is considered to be acceptable by the Council's Environmental Protection Service, subject to imposition of some additional controls secured by condition.

The applicant indicates that Lidl's food stores are served by, typically, 1 or 2 HGV deliveries per day with some increased movements at busier seasonal times of the year. Deliveries also collect waste in order to minimise vehicle movements.

The applicant has indicated that they require unrestricted delivery hours in order to maximise flexibility relating to the replenishment of stock during non-trading periods, regional logistical constraints and traffic delays. As such a specific Delivery Management Plan for Night Time Deliveries has been submitted and includes a series of measures to mitigate the impact of the development on the amenities of adjoining properties.

The store will be serviced via an enclosed loading bay on its western elevation, so that all deliveries of goods to the foodstore, and the collection of waste from it, will be carried out within the envelope of the building. The position of the loading bay to the west of the foodstore minimises impacts on the majority of neighbouring residential properties. There will be no movement or storage of waste in any outside area.

Plant and equipment associated with the operation of the store is not considered to give rise to any amenity concerns and its operation is controlled by condition.

The store is proposed to open between 0700 to 2300 hours Monday to Saturday (including bank holidays) and between 1000 and 1600 hours on Sundays and bank holidays. The site is located in a fairly busy area where there are a number of other commercial uses some which open later in the evening. As such the proposal is not considered to give rise to any unacceptable noise and disturbance issues.

The applicants have submitted a Construction and Environmental Management Plan (CEMP) which identifies how issues to do with noise and general disturbance will be mitigated and managed during the construction and demolition period. The submitted CEMP is considered appropriate.

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

Flooding and Drainage

Policy CS 67 Flood Risk Management of the Core Strategy seeks to reduce the extent and impact of flooding through a series of measure including limiting surface water runoff, through the use of Sustainable drainage systems (SuDs), de-culverting watercourses where ever possible with a general theme of guiding development where possible to areas at the lowest flood risk.

National planning policy seeks to ensure that areas at little or no risk of flooding are developed (Flood Zone 1) in preference to areas at a higher risk (Flood Zones 2 and 3). The application site is located partly in Flood Zone 3 (having a greater than 1 in 100 year annual probability of river flooding), partly in Flood Zone 2 (Medium probability of flooding) and partly in Flood Zone 1 (lowest risk of flooding). CS67 is considered compatible with the NPPF in terms of reducing the risk of flooding and is therefore given weight in the consideration of the proposal.

As required by the NPPF the applicant has submitted a Flood Risk Sequential Test the scope of which is considered acceptable. The report concludes that there are no other reasonably available sites in a lower probability flood zone that can suitably accommodate the proposal. The proposal is therefore considered to have passed the flooding sequential test.

As defined by the NPPG the scheme comprises of a 'less vulnerable' land use being a retail shop. In accordance with the NPPG all development proposed is considered appropriate in Flood Zones 1, 2 and 3 without the need to pass the flooding exception tests.

The application is accompanied by a Flood Risk Assessment (FRA) and a Drainage Strategy, which identifies a series of measures to reduce the impact of flooding and limit the impact of the development on the existing drainage infrastructure.

The FRA and submitted plans indicate that the building would have finished floor level of 74.25m which is 1.5 metres above the estimated flood level.

Ground conditions are not identified as being suitable for infiltration of surface water.

Surface water runoff from the car parking areas will therefore be collected by road gullies and will pass through a petrol interceptor before being discharged via a new outfall to the river Loxley. Discharge to the river will be restricted to a maximum of 5 litres a second by a flow control device. The underground attenuation tanks will also provide storage to reduce the risk of flooding in periods of high rainfall. The proposed drainage strategy will remove surface water runoff from the Yorkshire Water combined sewer in Stanington Road.

The Lead Local Flood Authority (LLFA) and Yorkshire Water have confirmed that they have no objections to the proposal from a flooding and drainage perspective, subject to the imposition of conditions.

The Environment Agency (EA) has also confirmed that they have no objection to the proposals but have identified that the applicant will require a separate permit from the EA, regardless of any planning consent as structures are proposed within 8 metres of a 'main river'. A directive has been added to make the applicants aware of the EA permitting regime.

The proposal is considered acceptable from a flooding and drainage perspective.

Ecology

Paragraph 170 a) and d) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, minimise impacts on and provide net gains in biodiversity.

Paragraph 175 a) of the NPPF identifies that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Part d) of paragraph 175 goes on to state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Policy GE11 of the UDP seeks to protect and enhance the natural environment ensuring that the design, siting and landscaping of development respects and promotes nature conservation and includes measures to reduce any potentially harmful effects of development.

Policy GE13 also seeks to ensure that development affecting areas local nature sites should, wherever possible, be sited and designed so as to protect and enhance the most important features. Where development would decrease the nature conservation value of an area of a Local Nature Site, that decrease must be kept to a minimum and compensated for by the creation or enhancement of wildlife habitats elsewhere, within the site or local area.

UDP Policy BE6 'Landscape Design' requires new development to provide a suitable landscape scheme with regards to new planting and/or hard landscaping and details of existing vegetation to be removed or retained. Development should also try to integrate existing landscape features and use native species where appropriate.

These policies strongly align with the NPPF and therefore significant weight can be attached to them.

The Ecology Assessment identifies those habitats and species present on site and assesses the potential impact on the identified habitats. The conditions relating to habitats and species have been identified through desktop surveys, national and local databases and through supplementary field survey work. The reports have been considered by the Council's Ecology Section and the survey and assessment methods used by the applicant are considered to be acceptable.

The river bank that comprises the northern boundary of the application site forms a small part of the of the Broadhead Dam to River Loxley Local Wildlife Site (LWS) which broadly follows the path of the river taking in additional land further to the west and the east beyond the bridge.

The site comprises largely of habits influenced by humans including buildings and hardstanding areas and there is mains drainage infrastructure in the river bank. A number of trees located along the boundary with the River Loxley have recently been removed due to concerns with bank stability; however some of the more mature species are identified to be retained. New tree planting and extensive landscaping is proposed throughout the development.

The applicant's submitted ecology reports indicate that protected species use the riverbank for foraging purposes and there is an outlier badger sett located in this area. The main sett is located beyond the application site boundary and is unaffected by the development.

The outlier sett is only occasionally used and has partially collapsed, however due to the nature of the works proposed and their duration, the applicant's consultants advise that the outlier sett will require permanent closure and a Natural England License will be required for this. The proposed building is located between 9 and 13 metres from the river bank and the area adjacent to the river is to be retained and replanted with ground cover. Effects on the LWS from site activity and lighting will also be kept to a minimum as the building will screen large parts of the river bank from the car park. Minimal lighting is required along the northern elevation as the general public are not able to access this part of the site.

There will be some increased activity at the site as a result of the development, however the site was previously actively used, and for the reasons identified above the proposals are not considered to have any significant harmful ecological implications.

Subject to some minor amendments to the specification of the proposed lighting scheme, the effects of lighting on the woodland to the west are not considered to be

harmful. New bird and bat nesting and roosting facilities are to be provided as part of the development which will enhance the sites biodiversity.

Concerns have been raised by local residents that birds could become entangled in the proposed ball stop fencing/netting proposed adjacent to the cricket pitch. The netting only extends to a width of 35 metres and is positioned perpendicular to the adjoining woodland which reduces potential risks of bird entanglement. The specification of the ball strike netting/fencing is not detailed as part of the application however it is likely to be a relatively fine mesh as it will need to catch cricket balls.

Finer mesh netting will reduce the chance of birds of all sizes from becoming entangled in the netting and conditions will be attached to secure an appropriate specification of netting to minimise risks. The netting is also only likely to be in place during the cricket season and if practical could thereafter be removed, further reducing the potential for birds to become entangled.

The ecological survey work has identified that Japanese Knotweed and Himalayan Balsam are present on the site. Both species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), making it an offence to cause them to spread or grown in the wild. The species will need to be removed and eradicated in accordance with best practice. The process of dealing with this is controlled separately by the Environment Agency.

The submitted ecology reports recommend that a series of standard precautionary measures are put in place to prevent species that may enter the site from being affected during the construction phase of the development, details of which will be secured by condition. A directive will remind the applicant of the need to apply for a Natural England license to close the outlier badger sett.

Subject to the imposition of the various conditions recommended above the developments is considered to be acceptable from an ecology perspective.

Land Contamination and Historic Coal Mining Issues.

Paragraph 178 of the NPPF identifies that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining.

The site has historically been used for various industrial and commercial activities including a scrapyards which indicates that there is high potential for land to be contaminated. The applicants have submitted various reports and undertaken intrusive site investigations to identify the contamination risks associated with the development. The Council's Environmental Protection Services are satisfied with the submitted reporting and do not consider the sites contamination would have a significant impact on the permanent uses proposed. A series of conditions are however recommended to ensure the site is remediated correctly.

Parts of the application site are in a Coal Mining High Risk Area; as such the applicants have submitted a Coal Mining Risk Assessment. The Coal Authority has no objections to the proposals..

Employment, Regeneration and Training Strategy

The Council promotes and seeks to provide local employment and training as part of developments, particularly during the relevant construction and operational phases. The provision of a Local Employment Strategies will therefore be secured through the planning conditions should members be minded to grant consent for the project.

Community Infrastructure Levy (CIL)

In accordance with the adopted CIL and Planning Obligations SPD there are is no CIL charge for retail developments with a gross floor space of less than 3,000sqm.

Public Art

Policy BE12 of the UDP identifies that public art should be an integral part of the design of major developments. Details will be secured by condition.

RESPONSE TO REPRESENTATIONS

Adequate parking is provided within the site and the proposal is not considered to lead to a proliferation of on street parking in the local area.

The proposal does not affect any trees on Rivelin Valley Road.

The perceived impact on house prices is not a planning matter.

Signage is the subject of separate controls (advertisement regulations) and a separate application process. Any signage proposals indicated on the submitted plans are not therefore approved under this application.

Traffic can enter and leave the site in both directions on Stannington Road. There is no evidence to suggest that the proposal would give rise to an increase in vermin or litter in the area.

All other issues are covered in the main body of the report.

SUMMARY AND CONCLUSION

The application site occupies an area of approximately 0.9 hectares and full planning permission is sought for the erection of a foodstore with a gross floor space 2,125sqm and a net sales area of 1,325sqm along with 113 car parking.

As amended the development also seeks permission to erect a section of 17 metre high ball strike fencing on the edge of an adjoining cricket pitch and 15 car parking spaces adjacent to Myers Grove Lane that will be used in conjunction with the cricket pitch.

Within the Sheffield UDP the application site falls within two policy areas as defined on the proposals map. The northern part of the site where the new store and a section of the car park is proposed is in the Housing Policy Area. The remainder of the parking area, the ball strike fencing and sports pitch parking are in the Green Belt.

Policy S5 (District and Local Shopping Areas) is not reflective of the sequential and impact tests in the NPPF and NPPG. Policy S5 also requires consideration of cumulative impacts; the NPPF is silent on this matter. The local planning authority is mindful that the cumulative impacts are a material consideration. However in light of the more up to date guidance in the NPPF Policy S5 can only be afforded little weight.

The remainder of adopted local plan policies, which are the most important for determining this application, when considered as a 'basket' of policies closely align with the NPPF. Paragraph 11 or the 'tilted balance' is not therefore considered to be in play. Regardless there are positive and negative elements of the scheme that need to be considered in the planning balance.

Part of the site is in a housing area. There are benefits of holding the site for residential development given the Council's lack of a 5 year housing land supply.

There are however clear issues with bringing this site forward for residential development given the flood risk issues affecting it. These difficulties are evidenced by the fact that outline planning permission for residential development was not renewed in 2010 due to it failing the requisite flooding and sequential tests. No local or strategic flooding risk mitigation measures have been implemented since 2010 that have reduced the sites flood risk classification. No further proposals for residential development have been submitted since 2010, despite the fact that the site has more recently been placed on the Brownfield Land Register.

Furthermore this is not an allocated housing site and the part of the application site in the housing policy area is considered to be insignificant (0.5 hectares) in the context of the city wide housing policy area. The loss of the site for housing purposes does however remain a negative element of the proposal and is contrary to Policy H14 (j) and in part criterion (e) of policy S5.

The NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The site is located on the edge of the Malin Bridge Local centre and following assessment of sites and premises within the catchment area of the proposed development, it is concluded that there are no sequentially preferable sites and premises that are suitable. The proposal therefore passes the sequential test.

A retail impact assessment of this development is not required in accordance with the guidance contained in the NPPF as the floor space proposed is less than 2,500 sq. The Council commissioned independent review has however considered the retail impacts of the development in light of the NPPF and Policy S5, despite Policy

S5 carrying reduced weight as it is not consistent with NPPF and NPPG which do not require any assessment of cumulative impacts of development. Officers and the independent review conclude that the development when considered in isolation does not give rise to any significant adverse impacts on centres within the catchment.

When the development is considered cumulatively with the Penistone Road scheme (and the recent Jacks at Kilner Way), and with relevant conditions imposed on both schemes, there will be no significant adverse impact on the vitality and viability of District Centres within the catchment, and the proposals will not negatively affect any existing, committed or planned investment in a centre.

Cumulatively significant adverse impacts on Catch Bar Lane and Halifax Road Local Centres are predicted; however Local Centres are not afforded any protection under policy S5, and the NPPG and the NPPF does not require any assessment of cumulative impacts (paragraphs 89 and 90). As such the cumulative impacts on Local Centres are not considered to be determinative in the consideration of this application. The proposal is therefore acceptable on retail policy grounds.

Part of the site is in the Green Belt, however very special circumstances have been demonstrated and any harm to the Green Belt associated with the development by reason of inappropriateness, conflict with the purposes of including land in the Green Belt or other harm is outweighed by other considerations. The development preserves the openness of the Green Belt and it is argued that the works to redevelop the site will actually lead to some enhancements to the appearance and openness of the Green Belt given the condition of the existing site.

The existing site is in a poor condition and does not contribute positively to the area from a social, economic or environmental perspective. This proposal will redevelop a largely brownfield site, that is currently underutilised, something which is strongly supported by the NPPF.

The removal the former social club building (now demolished), the damaged flood lit MUGA, the car sales/service uses and associated parking areas is considered beneficial from a visual amenity perspective.

The layout and scale of the development, the contemporary approach to building design, the use of high quality materials and hard and soft landscaping will significantly improve the appearance of this rather untidy site. Designated and non-designated heritage assets are not harmed by the development.

A number of trees have been removed from the banks of the River Loxley by the current land owners, however the remaining more mature trees on the riverside will be retained and protected. Supplementary tree planting along with a high quality hard and soft landscaping scheme will enhance the appearance of the site.

There is a shortage of cricket pitches in the city. The proposal provides new facilities (ball stop fencing and parking) secured by section 106, which will enable the adjoining cricket pitch to be reused in the future. Something that is unlikely to occur if the site remains in its current condition as it is not currently possible to safely access

the pitches from the application site. There will also be a net increase in parking for the adjoining sports pitches as future users will be able to park in the foodstore car park on an unrestricted basis.

In addition a section 106 contribution of £207,302.40 has been secured to compensate for the loss of the existing poor quality, inaccessible, defunct Multi Use Games Area (MUGA) within the site. The 106 contribution will go towards the enhancement and provision of a high quality publically accessible MUGA in Hillsborough Park which is considered to be beneficial to the local community.

The store is sustainably located at the edge of a Local Centre and is accessible by foot, cycle, public transport (bus and tram) and the private car. An appropriate level of car parking provision is proposed which also includes parking for the sports pitches and the neighbouring dentist. A prospectively adoptable public footpath connection to a potential future bridge link across the River Loxley (should one ever be provided) is incorporated into the scheme.

The impacts of the development on the safe and efficient operation of the highways network have been considered using the Councils Micro simulation model (aimsum) and a Road Safety Audit has been carried out. The development does not give rise to any unacceptable impacts on highways safety. The existing congestion issues in the area are acknowledged; the proposal is not however considered to significantly increase congestion and the proposed access and associated highways improvement works will ensure that the network continues to operate satisfactorily. The highway impacts of the development are not considered to be severe in accordance with Paragraph 109 of the NPPF.

There are economic benefits to the scheme. When the store is operational approximately 40 jobs will be created. There will be additional employment created through the construction phase of the scheme. The proposal will therefore contribute to the economic growth which is strong theme of the NPPF. The applicants have agreed to the imposition of conditions to promote local employment and training as part of the relevant construction and operational phases.

To reduce the developments energy demands sustainability is embedded into the scheme through building fabric enhancements and increased thermal efficiencies. 49% of the buildings energy needs are provided by air source heat pumps, which are a renewable energy resource. This far exceeds local policy requirements (10%) to deliver developments energy needs from decentralised or renewable resources. The site is also considered to be in a highly sustainable location from a transportation and access perspective.

The site is located in Flood Zone 2 (medium risk) and partially in Flood Zone 3 (high risk) as it is located next to the River Loxley. For the use proposed there are not considered to be any sequentially preferable sites available from a flooding perspective. The scheme also includes flood resilience measures and sustainable drainage systems which will reduce the impacts of the development on existing surface water drainage network.

An occasionally used outlier badger sett is affected and the applicants ecology reporting indicates that a natural England License will be required to close the outlier sett. The main sett, which is located some distance off site, is unaffected. Foraging habitat alongside the river will however be retained and enhanced with new landscaping and there will be biodiversity gains in the form of new site landscaping as well as bird and bat boxes.

Appropriate measures and conditions are recommended to secure safe remediation of the site, which has historically been contaminated by the previous commercial and industrial uses.

The effects of the development on air quality during the construction and operational phases of the development are not considered to be significant, subject to the inclusion of mitigation measures. Electrical car charging points are provided within the store car park which will support the use of ultra-low emission/electric vehicles.

The living conditions of residents adjoining the site will remain satisfactory subject to the imposition of conditions to control the operation of the foodstore.

In light of the above there are considered to be a number of social, economic and environmental benefits in favour of this scheme which outweigh any harmful impacts including the loss of a small part of the allocated housing area.

Subsequently it is recommended that planning consent is granted conditionally and subject to a legal agreement containing the following heads of terms;

Heads of Terms

- A commuted sum of £207,302.40 towards the provision of new/replacement sports facilities in the locality
- A requirement for the owner of the cricket ground to serve a notice on the owner of the proposed retail unit if the cricket ground is brought back into use.
- A requirement for the owner of the cricket ground to rotate the orientation of the cricket wickets square.
- A requirement for the developer to provide the ball strike fencing and sports pitch car parking within a specified period should the owner of the cricket ground serve notice on the owner of the retail unit that the cricket ground is to be brought back into use.

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