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Case Number	21/00497/FUL (Formerly PP-09475604)
Application Type	Full Planning Application
Proposal	Erection of food store (Use Class E) together with access, car parking, servicing, landscaping and associated works
Location	Site Of South Yorkshire Trading Standards (West Site) Thorncliffe Lane Sheffield S35 3XX
Date Received	04/02/2021
Team	West and North
Applicant/Agent	Morbaine Limited And Ackroyd & Abbott
Recommendation	Grant Conditionally

### **Time limit for Commencement of Development**

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

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

### **Approved/Refused Plan(s)**

2. The development must be carried out in complete accordance with the following approved documents, all published 4th February 2021:

Drawing 7255/50 Rev B Site Location Plan (showing red line boundary)  
Drawing 7255/52 Rev H Proposed Site Plan  
Drawing 7255/53 Rev A Store Plans  
Drawing 7255/54 Rev C Store Elevations and Sections  
Drawing 7255/55 Rev D Site Sections  
Drawing 7255/56 Rev C Site Sections  
Drawing 7255/57 Rev D Site Sections  
Drawing 7255/58 Rev E Hard Landscaping Plan  
Drawing 7255/61 Rev B Site Boundary Sections  
Drawing 4463 02 Rev C Planting Plan  
Drawing 7744-MJM-00-ZZ-DR-C-5210 Proposed Schematic Drainage Layout

Reason: In order to define the permission.

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

3. No development shall commence until any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. 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 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.

5. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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 details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

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

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

8. Any remediation works recommended in the approved Phase II Intrusive Site Investigation Report (ref: E13186/2, dated: 11/2020, prepared by: DTS Raeburn) shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

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

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

10. 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.

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

11. 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.

12. Notwithstanding the submitted plans, before the development commences, full details shall have been submitted to and approved in writing by the Local Planning Authority of all retaining structures supporting public highway (as a minimum sections 5 & 13 on drawing number 7255/61 rev B), including full construction details, structural calculations and method of construction (a full AIP submission). Retaining structures shall only be provided in accordance with the approved details.

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.

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) provision of site access arrangements for vehicles and pedestrians broadly in accordance with drawing number 190302/1 (which will be subject to further detailed design), including the provision of pedestrian drop crossings and tactile paving to facilitate unhindered wheelchair mobility, all subject to a stage 2 road safety audit;
- ii) provision of a pedestrian crossing facility on Lane End in the vicinity of the site, the type and design to be informed by additional speed surveys;
- iii) reposition of the bus stop opposite the site on Lane End (with raised kerbs, tactile paving, shelter) to allow for the provision of a pedestrian crossing);
- iv) any other accommodation works to statutory undertakers' equipment, traffic signs, road markings, lighting columns and general street furniture deemed necessary as a consequence of the development;
- v) review/promotion of Traffic Regulation Orders in the vicinity of the site that are deemed necessary as a consequence of the development (waiting/loading restrictions) entailing advertising, making and implementing the Order in accordance with statutory procedures (including the provision of signs/lines as necessary)

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. The development shall not be used unless the car parking accommodation has been surfaced, drained, formally marked out and lit in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality.

16. Notwithstanding the submitted plans, suitable and sufficient long-stay secure and sheltered cycle parking accommodation for staff shall have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the cycle parking shall be retained/maintained for the sole purpose intended.

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

17. The development shall not be used unless the car parking accommodation for the development 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.

18. 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:

1. Clear and unambiguous objectives and modal split targets;
2. 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,
3. Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the Local Planning Authority.
4. 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, in accordance with Unitary Development Plan for Sheffield (and/or Core Strategy) Policies

19. 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.

20. 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.

21. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

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

22. Before the use hereby permitted commences, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of light from the development on adjacent dwellings (both existing and proposed). The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 Guidance Notes for the Reduction of Obtrusive Light. The development shall be carried out and thereafter retained in accordance with the approved details. [The guidance notes are available for free download from the resources pages of the ILP website.]

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

23. Prior to the commercial use hereby permitted commencing, a Delivery Management Plan (DMP) shall be submitted for written approval by the Local Planning Authority. The DMP shall include permitted timings for deliveries and associated activities, and set out procedures and controls designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable. All commercial deliveries then shall be carried out in accordance with the noise mitigation procedures and controls, as set out in the approved DMP.

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

24. 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 have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered without prior written approval of the Local Planning Authority. All plant shall be specified to have cumulative noise output level of 74dBA in accordance with the External Mechanical Services Equipment recommendations of the approved Noise Impact Assessment (ref: P19-128-R01-V1, dated: 03/2019, prepared by: Hepworth Acoustics).

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

25. The development shall not be used for the purposes hereby permitted unless the scheme of sound attenuation works detailed in the Noise Impact Assessment, Proposed Retail Food Store, Lane End, Chapeltown, Sheffield, ref: P19-128-R01-V1, dated: 03/2019, prepared by: Hepworth Acoustics has been carried out as specified in the Report. Such works shall be thereafter retained.

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

26. Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstandings shall be passed through a petrol/oil interceptor designed and constructed in accordance with details to be approved in writing by the Local Planning Authority.

Reason: Prevent pollution of the water environment.

27. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
  - ii) the means of discharging to the public sewer network at a maximum rate of 3.5 (three point five) litres per second, and agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal

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



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

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

29. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

30. Before the development is brought into use, short-stay cycle stands shall have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

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

31. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved 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.

32. Prior to the development being brought into use full details of the measures to bring about net gains for biodiversity, as indicated on the Ecological Enhancement Plan shall be submitted to the Local Planning Authority for approval. The measures shall thereafter be implemented and retained in accordance with the approved details.

Reason: To bring about net gains for biodiversity.

33. 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.

### **Other Compliance Conditions**

34. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried on only between the hours of 07:30 to 20:00 Mondays to Saturdays and between the hours of 08:00 to 16:00 on Sundays and Public Holidays.

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

35. No amplified sound shall be played within the commercial use hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time.

Reason: In the interest of the amenity of occupiers of neighbouring property.

36. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

In the interest of satisfactory and sustainable drainage

37. No customer shall be permitted to be on the premises outside the following times: 08:00 and 22:00 on any day.

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

38. Commercial deliveries to and collections from the building shall be carried out only between the hours of 07:30 and 20:00 hours Monday to Saturday and 07:30 and 16:00 hours on Sundays and Public Holidays.

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

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

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

40. The Local Planning Authority shall be notified in writing when the landscape works are completed.

Reason: To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

**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. 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.
3. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;
  - Reference to permitted standard hours of working;
  - 0730 to 1800 Monday to Friday
  - 0800 to 1300 Saturday
  - No working on Sundays or Public Holidays
  - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
  - A communications strategy for principal sensitive parties close to the site.
  - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
  - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
  - Vibration.
  - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
  - A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.

- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at [eps.commercial@sheffield.gov.uk](mailto:eps.commercial@sheffield.gov.uk).

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. 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](mailto:james.burdett@sheffield.gov.uk)

6. 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](mailto:highways@sheffield.gov.uk)

7. 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](mailto: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.

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](mailto: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. 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](mailto:james.burdett@sheffield.gov.uk)

10. The developer is advised that foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

11. The developer is advised that if they are looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), they should contact Yorkshire Water's Developer Services Team (telephone 0345 120 84 82, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements
12. The applicant is advised that the development should be built to comply with Secured by Design standards. Further information on Secured by Design standards and SBD accreditation can be found at the following website [www.securedbydesign.com](http://www.securedbydesign.com)
13. The applicant is advised that the signage indicated on the submitted drawings is not approved as part of this permission and will require separate Advertisement Consent. To discuss arrangements for obtaining such consent, and to request application forms, the applicant should contact Development Control Section, Development Services, on Sheffield (0114) 2039183 or go to [www.sheffield.gov.uk/in-your-area/planning-and-city-development](http://www.sheffield.gov.uk/in-your-area/planning-and-city-development)
14. 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.



## **LOCATION**

The application relates to a vacant piece of land that has previously been used by South Yorkshire Trading Standards. Buildings on the site have been cleared and the principle of redevelopment has already been established, most recently for the erection of a food store and 8 dwellings when outline planning permission was granted by the Planning and Highways Committee on 4<sup>th</sup> August 2020 (application 19/02085/OUT refers).

The site is located on the north side of Lane End in Chapeltown. To the west the site is bound by Thorncliffe Lane and to the north are the rear gardens of residential properties on Thorncliffe View. A further 8 dwellings are proposed on Thorncliffe View which will bound the site to the east.

The existing ground levels generally fall towards the east across the site although the northern half of the site was mainly plateaued (to accommodate the former buildings and yard) with a small embankment around the western and southern fringe of the plateaued area.

A small single-storey building and associated parking area on the corner of Lane End and Thorncliffe Lane is outside the application site.

The Thorncliffe business park lies further to the north beyond the houses off Thorncliffe View and Thorncliffe Lane.

The surrounding area is predominantly residential, and the site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area.

## **PROPOSAL**

Outline planning permission was granted in August 2020 for the erection of 8 dwellinghouses (use class C3) and a retail food store (use class A1) with access, car parking, servicing, landscaping and associated works. Details of the access were included for approval, but all other matters were reserved for consideration at a later date.

The site has since been split. A full planning application has been submitted and recently approved for the erection of 8 dwellings on Thorncliffe View, which will back onto the site (application 21/00498/FUL refers).

This application seeks approval for the erection of a food store (Use Class E) with associated access, car parking, servicing and landscaping. The store would be operated by Lidl, providing a net sales area of 1,256sqm (1,900sqm gross internal area). This is slightly smaller than the food store that has consent (the outline approval was for a store with a gross internal area of 1,951sqm).

Please note changes to the Use Classes Order mean that former Use Class A1 is now Use Class E. The use proposed, as a food store, is still the same as that which received approval under the outline application.



The proposed vehicular access to the store would be directly off Lane End with a pedestrian link to Thorncliffe Lane. Parking for 112 cars would be largely to the south and west of the building, with landscaping around the periphery of the site.

The entrance to the store would be at the southern end (looking out towards Lane End), under a large oversailing canopy. At the northern end of the building would be a loading bay surrounded by acoustic fencing, with a further landscaped area providing a buffer to the housing to the north and east.

## **RELEVANT PLANNING HISTORY**

Several applications were submitted on this site prior to 2006 relating to the former use of the site by South Yorkshire Trading Standards and the former South Yorkshire County Council.

In 2006 an outline planning application submitted by Sheffield City Council for residential development of the site for 30 units (with all matters of detail reserved for subsequent approval) was granted planning permission (application no. 06/02366/RG3 refers).

The land was subsequently sold and in 2008 full planning permission for residential development comprising 24 dwellinghouses and garages with associated landscaping was granted subject to a unilateral planning obligation to secure a financial contribution for the provision and enhancement of recreation space (application no. 08/01151/FUL refers). This permission was not implemented and subsequently lapsed.

As already mentioned, outline planning permission was granted by the Planning Committee at the meeting which was held on 4<sup>th</sup> August 2020 for the erection of a food store and 8 dwellings (application 19/02085/OUT refers). Details of siting, external appearance and massing were reserved; however indicative plans showed the building to be in a similar position to the application that is currently being considered. The means of access was considered in detail and approved.

Full planning permission has also been granted for the erection of 8 dwellings to the east of the site (application 21/00498/FUL refers). This piece of land was included in the outline application above, but the site has since been split.

## **SUMMARY OF REPRESENTATIONS**

The application has been publicised by letters of notification to nearby residents, by newspaper advert and by display of site notices.

Representations have been received from 17 interested parties, all local residents, objecting to the proposed development.

In addition, Ecclesfield Parish Council have commented that they support residents' objections to the application.

The representations raise the following issues:

#### Retail Policy:

- There is no need for another food store as the area has numerous food stores which serve the local community and are within walking distance. This includes one low-cost store which has recently opened (Heron Foods, Greengate Lane).
- The development would take trade away from smaller retailers and would be harmful to Chapeltown shopping centre.

#### Highways Issues:

- Increase in traffic including HGVs, construction traffic etc using roads that are already congested and heavily parked.
- The proposed site entrance is where vehicles travel at speed, with parked cars on the highway. This is in a dangerous position.
- The proposed pedestrian crossing would not be safe.
- Relocation of the bus stop may mean visitors to the care home would have to walk further.
- The transport assessment is not accurate and presents inaccurate information.
- A well-used 'cut through' used by many local residents (through Thorncliffe Industrial Estate) has been closed off meaning traffic surveys are no longer relevant as traffic flows have considerably changed.

#### Noise:

- Concerns that there will be substantial noise generated from the building's mechanical plant when it is operational, particularly if this plant is to be located on the roof.
- Noise from delivery vehicles, customer vehicles and people will also be harmful to residential amenity especially in the mornings and evenings.

#### Light Pollution:

- Lighting columns will typically be employed to illuminate the footpaths and car park areas around the store. There will be light spill from these columns and from other luminaires mounted on the side of the building. Due to level changes light spill could affect residents.

#### Appearance:

- The plans show fencing and landscaping to create a buffer for local residents. This will take years to come to maturity and will do little to reduce the impact on local residents on Thorncliffe View.
- The development is not in keeping with the character of this residential area.

#### Drainage:

- The drainage layout does not provide sufficient room to construct the outfall pipes to Thorncliffe View. The pipes are directly along the boundary of No 11 Thorncliffe View and raise concerns that they may interfere with the footings for this property / boundary fence.
- The proposed surface water drainage does not manage water on or near the surface as required nor does it provide distributed storage across the site. Discharge to a soakaway without any effective treatment of the water to remove pollution is not considered an effective form of treatment in the SUDS Manual (CIRIA C753).
- There is no exceedance assessment for the surface water drainage to show that exceedance flows will not affect the properties in Thorncliffe View.

#### Air Pollution:

- The development would result in elevated Nitrogen Dioxide levels from cars manoeuvring at low speeds, parking (occasionally idling) and starting the engines.

#### Other Issues:

- There is knotweed in the southern edge of the site. It should be conditioned that knotweed is effectively removed from the site prior to any construction works starting.
- The development, cumulatively with other schemes that have recently received planning approval would have a negative effect upon the area.
- The development would provide an area for anti-social behaviour to take place.
- The development could attract vermin and result in increased litter.
- The site would be put to better use as a park / green space or for housing.

## **PLANNING ASSESSMENT**

The redevelopment of the site for retail purposes has been established through the granting of application 19/02085/OUT. Had the site not been split, so that the residential element now forms a separate planning consent, an application for reserved matters would have been required for details of the siting, appearance, scale and massing of the building.

This should be born in mind when considering the current proposal which is slightly smaller than the foodstore that received consent.

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

The Government's planning policies and guidance contained in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPGs) are a material consideration in planning decisions. The NPPF states that the purpose of the planning system is to achieve sustainable development which

means that the planning system has three overarching objectives: economic, social and environmental. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (NPPF paragraphs 7 to 10).

For decision taking this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: (i) the application of policies in this Framework that protect assets or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (NPPF paragraph 11).

NPPF paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

NPPF paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. NPPF paragraph 120 states that planning policies and decisions need to reflect changes in the demand for land.... Where local planning authorities consider there to be no reasonable prospect of an application coming forward for the use allocated in a plan: ... (b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

## Policy Issues

The relevant development plan for the site is the Sheffield Local Plan which includes the Sheffield Core Strategy and the saved policies and proposals map of the Sheffield Unitary Development Plan (UDP).

### Sheffield Unitary Development Plan (UDP)

The UDP Proposals Map identifies the site as being within a Housing Area. UDP Policy H10 sets out that in Housing Areas housing is the preferred use of land.

The policy also states that small shops (formerly use class A1, now use class E) are acceptable in principle in Housing Areas. The UDP defines small shops as usually with not more than 280 sqm sales area or which are ancillary to other acceptable uses in the Area.

For larger shops over 280 sqm sales area, UDP Policy H10 states that these 'other shops' are unacceptable unless at the edge of the Central Shopping Area or a

District or Local Shopping Centre.

Policy H10 is in part conformity with the NPPF as it promotes new homes as the priority use in housing areas which facilitates housing delivery and is consistent with paragraph 59 of the NPPF.

In addition NPPF paragraph 67 states that authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of specific, deliverable sites for years one to five of the plan period.

The Council published its latest 5-year housing land supply position, adopting the latest guidance, in December 2020. It shows that the Council currently has a 5.4-year supply of deliverable sites.

The test for retail development outlined in Policy H10 is not up to date as it is not consistent with the thrust of the NPPF, due to it appearing 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 other out of centre locations, other than in a Retail Park or in Meadowhall. The NPPF does allow such development subject to the sequential and impact test requirements (paragraphs 86 to 90).

The housing preferences in Policy H10 have significant weight, whilst the test for retail is given less weight as taking an absolute approach to refusing permission for large shops would not be consistent with the NPPF, unless it was also considered in the context of the sequential and impact tests.

To summarise, whilst the size of the proposed foodstore would mean that it would be classed as an unacceptable use within this area under the terms of UDP Policy H10, this has been superseded by the guidance contained within the NPPF which sets out that subject to the satisfaction of sequential and impact tests these kinds of uses may be acceptable. These tests will be considered in more detail later in the report.

The site is relatively small (approximately 0.86 hectares). Whilst it would be desirable to maintain as much land as possible for housing, the Council do have a 5.4-year supply of housing land and the loss of the site, which could accommodate between approximately 16 and 22 additional dwellings (based on previous consents), would not prejudice the 5-year housing land supply and/or give rise to a shortage of land for the preferred housing uses.

In principle the redevelopment of the site for a non-housing use is considered to be acceptable.

#### Retail Policy Issues

The Government's National Planning Practice Guidance (NPPG) on Town Centres and Retail was updated in July 2019.

The proposed development is for a retail food store which will be operated by Lidl. Due to the size of the store (1,900 sqm) it is deemed to be a 'main town centre use' as defined in annexe 2 of the NPPF. The site is not within or at the edge of an existing centre.

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 not within or at the edge of a District Shopping Centre, the proposed development is not promoted by Policy S4 as it identifies the Central and District Shopping Areas as the main areas for shopping facilities. Policy S4 is in part conformity with the NPPF and has moderate weight.

UDP Policy S5, which relates to shop 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 Policy S5 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) a small shop; or (b) in or at the edge of a local centre for appropriately sized foodstores 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.

The current proposal does not satisfy items (a) to (d) of Policy S5 and is in conflict with this aspect as it represents a wholly new out-of-centre development which is not a small shop.

The third part of Policy S5 lists seven criteria that all retail development outside the Central Shopping Area and District Shopping Centres (which the proposal is) must satisfy, including: not undermining the vitality and viability of the City Centre or any District Shopping 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 access issues identified in Policy S5 will be considered later in this report.

UDP Policy S5, like H10, is not however considered to be fully up to date or reflective of the sequential and impact tests set out in paragraphs 86 to 90 of the NPPF. When considering this proposal Policy S5 requires an assessment to be

made of the cumulative impacts of other recent or proposed development, 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 which 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 (moderate) weight in light of the more up to date guidance contained in the NPPF and NPPG.

Core Strategy Policies CS34 and CS39 are supportive of District and Local Centres.

Core Strategy Policy CS34 states that District Centres will be encouraged in fulfilling their role of providing for everyday needs with a range of retail, leisure and community facilities appropriate in scale and function to the role of the centre.

Core Strategy CS39 states that, in Neighbourhood Centres (or Local Centres as they are referred to in the NPPF), new developments for local shops and community facilities to serve the everyday needs of the community will be encouraged.

These policies are supportive of the sequential approach to ensuring the vitality of town centres (which includes district and local centres) and so broadly align with the aims of the NPPF and have significant weight.

### 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 adaptation (NPPF paragraph 85).

The NPPF (paragraphs 86 to 90) describes the circumstances where-by local planning authorities should apply a sequential test to planning applications for main town centre uses and require an impact assessment 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 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 purpose of the sequential test is to ensure that the suitability of more central sites to accommodate the development have been fully considered.

The applicant has provided an updated Retail Impact Assessment which includes a sequential test. The only land the statement considered that is of a suitable size (around 0.5 hectares) is the Thornccliffe Cricket and Social Club in Chapeltown (which is a 1.2-hectare, edge of centre site). This site is protected from development as a designated Open Space Area in the UDP, which is valued by local people and is therefore not deliverable. In terms of availability, four alternative sites were found; however, these were all considered to be too small to accommodate the proposal.

In this instance, the proposal passes the sequential test as there are no sites within the primary catchment (Chapeltown and High Green area) that are suitable for the proposed development.

#### Impact Assessment

The NPPF (paragraph 89) states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm of gross floorspace). In this instance there is no locally set floorspace threshold. The proposal does not exceed the 2,500 sqm threshold and so an impact assessment is not required to meet the requirements of paragraph 89 of the NPPF.

However, UDP Policy S5 does require an assessment of issues relating to impact. Policy S5 part (b) also states that 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.

Policy 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 Policy S5 but only after it has been considered.

Whilst the proposal falls below the 2,500 sqm threshold for an impact test to be



applied under NPPF paragraph 89, the applicant has submitted a Planning and Retail Statement which considered the health of the Chapeltown District Centre and the impact of the proposed retail development. This has recently been updated (May 2021) to take into account the latest population data as well as the effect the pandemic may have had upon retail premises in Chapeltown.

In terms of the impact of the proposed development on existing public or private investments in neighbouring centres; and the proposal's effect on the viability or vitality of those centres, the main trade diversion would be from Asda at Chapeltown.

The updated Retail Impact Assessment shows that this store would still continue to trade successfully after the proposed development has been implemented. The report also sets out that trade diversion from other centres would be limited and the proposal would not materially impact on these centres' trading performance.

The applicant's calculated impact of the proposal on Chapeltown District Centre has increased by about 1% since the assessment was previously carried out under the approval granted last August. This is a small amount brought about by more accurate sales density information of the proposal (it is now confirmed that Lidl will be occupying the proposal whereas under the extant approval it was a generic discount foodstore), and updated population and expenditure data from Experian (October 2020) which accounts for an increase in online shopping as a result of the Covid-19 pandemic.

The applicant has also updated the healthcheck for Chapeltown. This indicates that the Centre is vibrant and healthy with only 8.5% of units vacant (the national average is 14.6%) and a good range of comparison, convenience and service uses. The applicant made these observations during a site visit on 5 May 2021 after shops and services had reopened following the latest lockdown.

It is considered that the proposal is not likely to lead to a significant adverse impact on Chapeltown District Centre or any other centre in its catchment.

As such the development in principle is considered to be acceptable and complies with the Government's planning policy guidance contained in NPPF paragraphs 85 to 90 (considerable weight) as well as UDP Policy S5 (which is afforded less weight).

#### Effect on the Amenities of Residents

UDP Policy H14 sets out conditions on development in housing areas and includes matters of amenity (significant weight).

NPPF paragraph 127(f) states that development should create places with a high standard of amenity for existing and future users. NPPF (paragraph 180) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health which includes (a) mitigating and reducing 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 site is surrounded on all four sides by residential properties. The proposed building has been positioned to provide sufficient separation distances to existing and proposed dwellings to ensure that the development would not harm the living conditions of residents in terms of overshadowing and loss of light with sun analysis plans submitted to support this.

The building has been designed to sit as low as possible in the site and the cross sections indicate that the development would not be overbearing upon neighbouring dwellings.

Windows within the store would be confined to the front portion, facing onto Lane End. The car park would also be enclosed by banking and / or fencing and it is considered that the development would not result in a significant loss of privacy to occupiers of neighbouring properties.

The applicant's submitted Noise Impact Assessment surveyed the prevailing noise climate of the area and assessed the noise impact of the proposed development. Three aspects of operational noise have been considered: external mechanical services equipment, delivery noise and car parking.

An external compound for plant and equipment is to be sited in the north-east corner of the site. This will be set down beneath store level and would be enclosed by 3m high acoustic fencing with a further landscaped strip between the compound and the boundary with residential properties.

To further reduce the risk of noise disturbance the Noise Impact Assessment sets out other mitigation measures that should be employed such as the use of low noise emission plant as well as housing equipment within acoustic enclosures and orienting fans/motors away from dwellings.

The plans show the delivery area to also be in the north-east corner of the site. The Noise Impact Assessment identifies the noise source being from delivery lorries manoeuvring, reversing and then driving away, and predicts this would have a low impact on adjacent properties with the proposed acoustic barrier in position.

On-site car parking would also generate noise from the manoeuvring of vehicles, closing of car doors and starting of engines. Parking is proposed to the front and side of the store. This would be set back from and at a lower level than Thorncliffe Lane and at a higher level to the rear of houses off Thorncliffe View. The Noise Impact Assessment considers that it is unlikely to give rise to any significant noise impact on residents on Thorncliffe Lane and that the impact to the rear of properties on Thorncliffe View would be modest, the building itself providing attenuation as well as the proposed acoustic fencing.

It is considered that, subject to the imposition of conditions requiring the noise attenuation measures outlined in the Noise Impact Assessment to be implemented the development would not give rise to noise that would result in unsatisfactory living conditions for local residents.

Conditions should also be imposed requiring details of all externally mounted plant and equipment to be provided for Local Authority approval; restricting the hours of use by customers and requiring the applicant to provide a Delivery Management Plan (DMP). The DMP shall include permitted timings for deliveries and associated activities, and set out procedures, controls and noise mitigation designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable (and as recommended in the Noise Impact Assessment).

The development has the potential to cause a degree of harm to occupiers of neighbouring property by way of light spill. As such a full Lighting Impact Assessment is required (and this should be made a condition of any consent) to ensure that lighting in the car park and attached to the building does not affect occupiers of neighbouring dwellings.

Overall, in terms of the effect the development would have upon residential amenity the proposal in principle complies with UDP Policy H14 (significant weight) as well as paragraph 127 of the revised NPPF, subject to the imposition of conditions discussed above.

#### Affect on the Character and Appearance of the Area

UDP Policy H14 - Conditions on Development in Housing Areas sets out matters of amenity and design. In addition UDP Policy BE5 and Core Strategy Policy CS74 seeks good quality design in new developments.

Policies H14, BE5 and CS74 are consistent with the NPPF and have significant weight.

NPPF paragraphs 124 to 132 relate to achieving well designed places. NPPF paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make developments acceptable to communities. NPPF paragraph 127(f) states that development should create places with a high standard of amenity for existing and future users.

The proposed store will be set down within the site with existing stone walls along the site boundaries to Lane End and Thorncliffe Lane retained. Around the periphery of the site soft landscaping is proposed to provide a buffer between the proposed development and the neighbouring uses.

The building itself is proposed to be of a simple form with the low-pitched roof extending beyond the building to provide a covered walkway to the front of the building. The part of the building facing Lane End would be glazed, again defining the entrance, with the remainder of the building clad in white and grey metal sheeting.

The South Yorkshire Police 'Designing Out Crime Officers' have reviewed the application and have no objections to the proposed development. They recommend that the building be constructed in accordance with guidance contained in their Secured by Design standards.

In terms of design the development is considered to accord with UDP BE5 and H14 as well as Core Strategy Policy CS74.

### Sustainable Design

Core Strategy Policies CS63 to CS65 relating to responses to climate change seeks to reduce the impact of climate change through reducing the need to travel, supporting sustainable transport and sustainable design and development. Policy CS65(a) in particular states that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

Policies CS63 to CS65 are consistent with the NPPF and have significant weight.

The applicant has set out in their Design and Access Statement that a 'fabric first' approach is likely to be adopted and the building will exceed the energy efficiency of Part L compliant stores. How this is done will depend upon the fitting out of the building and so it is recommended that a condition be imposed requiring further details of this to be submitted for Local Authority approval.

The applicant has also set out that as well as efforts to reduce carbon dioxide emissions, the store will aim to reduce water consumption through rainwater harvesting, to be re-used for servicing of the store, as well as other measures including aerated taps and dual flush toilets. This is to be commended.

### Highway and Transportation

UDP Policy H14 sets out that development should provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians. For non-housing uses the policy states that development should not lead to excessive traffic levels.

UDP Policy T28 relates to transport infrastructure and development and seeks to ensure that new development which would generate high levels of travel would be served adequately by public transport services and infrastructure and by the existing highway network. Where transport improvements will be needed to enable the proposal to go ahead, these should normally be provided, or commitment entered into to secure their provision before any part of the development comes into use.

Policies H14 and T28 are broadly consistent with the NPPF and have significant weight.

Core Strategy Policy CS51 relates to the strategic priorities for transport including maximising accessibility, containing congestion levels and improving air quality and road safety. Core Strategy Policy CS53 relating to the management of demand for travel includes implementing travel plans for new developments to maximise the use of sustainable forms of travel and mitigate negative impacts of transport, particularly congestion and vehicle emissions.

Policy CS51 is in conformity with the NPPF, whilst CS53 is in part conformity, and both have significant weight in respect to the proposed development.

The NPPF (paragraphs 102 to 111) promotes sustainable transport. NPPF paragraph 109 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.

The site would be accessed from Lane End which is part of a route running along Lound Side, Lane End, Mortomley Lane and Wortley Road between Chapeltown centre (to the south-east) and the A61 (to the northwest) and is a classified road (C47).

Lane End is on a bus route served by route nos. 1, 29, 72 and 135. There is a south-east bound stop with shelter on the application site frontage and a northwest bound stop opposite the site. Service 1 generally provides 4 buses an hour on Mondays to Saturdays whilst services 29 (6 buses a day), 72 and 135 (both 1 per hour) on Mondays to Saturdays are infrequent.

The submitted plans indicate that provision will be made for cyclists in the form of hoops that bikes can be locked to, positioned under the canopy close to the entrance into the store. There would be passive surveillance of the cycle stands from the adjacent windows.

The supporting documentation indicates that service vehicle movements can be accommodated on the highway network without any detriment. The submitted plans provide tracking for service vehicles and demonstrate that service vehicles can adequately manoeuvre within the site.

The level of parking proposed is for 112 vehicles (97 standard parking spaces, 9 parent and toddler spaces and 6 disabled parking spaces).

This application has been supported by a transport assessment (TA). The TA has considered the surrounding highway network and accessibility by pedestrians, public transport, vehicles and by cycle. The traffic generation potential of the proposed retail element of the development has been assessed using trip rates extracted from the TRICS national database.

The use of the TRICS database is a nationally accepted method of estimating levels of trip generation when considering development proposals.

The development proposal has attracted less online representation than the already approved outline planning application (19/02085/OUT) granted August 2020. For that application, all matters were reserved for subsequent approval except for the access arrangements. The size of the store was 1951 sq.m. The size of the store for this new application is 1900 sq.m. The access arrangements are identical to the already consented application.

The principle of the type/scale of development and the access arrangements have

been established by the granting of 19/02085/OUT.

The applicant submitted an updated transport assessment to support this fresh application. Their consultant has again interrogated TRICS to derive the number of trips likely to be generated by the proposal and, as generations were calculated from a different selection of sites, it has resulted in a lower predicted generation for this fresh application than for the already approved 19/02085/OUT.

The thrust of the online objection (from a highways perspective) towards this full application remains the same as for the outline; a view that the traffic generation has been underestimated, that the base traffic survey is inaccurate; and that historic road traffic accidents haven't been sufficiently considered.

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 shouldn't 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 like Pass-by Trips, but they must 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 new to the local highway network.

In commenting on the application Highway Officers have given more weight to the original transport assessment which predicts 90 vehicular arrivals and 90 departures during the network peak period of 1630 hrs to 1730 hrs.

In benchmarking the generation predicted above, officers undertook a couple of pre-Covid 'snap' surveys at the Doe Royd Lane Lidl Store off the A61. It should be noted that a 'snap' shot is just that. Flows could be influenced by events occurring on the network at the time of the survey, possibly skewing the results.

The gross floor area of the Doe Royd Lane Store is 1560 sq.m. The Lane End Store would be 1900 sq.m (22% bigger).

A survey was undertaken at Doe Royd Lane, to capture the times pupils are walking to and from school (between 1445 – 1545 hrs). At Doe Royd, the mid-afternoon hour-long survey was 90 vehicles in, 81 vehicles out, two-way 171 trips.

Increase this by 22% gives a two-way generation of 208 trips. The consultant's prediction for the late-afternoon peak at Lane End (1630 – 1730 hrs) is 180 two-way trips, which is more than the actual mid-afternoon at Doe Royd of 171 two-way trips, but 28 two-way movements less when taking account of the respective Store's gross floor areas. The Doe Royd Lane Store is located on a busy dual carriageway with significantly more passing traffic (thereby attracting more custom per floor space) and the Lane End predictions contained within the transport assessment are for a later time period, by 1 hour 45 mins (so not an exact like-for-like comparison). However, the surveys at Doe Royd Lane have given officers the confidence that the consultant's predicted generations in the original Transport Assessment were suitable to form the basis of the modelling work.

The site access and the nearby junction of Thorncliffe Lane with Mortomley Lane were modelled using the software package Picardy. The average queue length during the peak period for right-turning traffic from the main road was less than one vehicle. Even if the generation was theoretically increased, the two junctions would still perform satisfactorily.

With regards to the survey information contained in the transport assessment, officers have no reason to doubt the submission. However, as a quick desk-top exercise, officers reviewed the transport statement submitted for the Sainsbury's Local on the former Old Cart & Horses site, off Mortomley Road.

This application was originally refused at Planning Committee but approved on appeal. The Sainsbury's application counted two-way traffic on each approach to the roundabout. For Mortomley Lane (back in 2012) the PM peak two-way flow was 680 vehicles. The two-way Saturday peak was 475 vehicles. The two-way weekday peak for the current application along Mortomley Road/Lane End was 632 (a reduction of 7.5%). Traffic flows on the local highway network vary day-to-day (10 % is not uncommon). Given the significant spare capacity within the junction analysis/modelling, officers raise no concerns in relation to the traffic count data contained in the transport assessment.

Recorded injury accidents have been reviewed by officers along the length of Lane End for the past 5 years, there have been 6; two resulting in serious injuries and four resulting in slight injuries. The review extended slightly into Mortomely Lane and slightly into Lound Side at each end. There are no dominant causation factors.

Driver age is mostly middle-aged, a couple of young drivers and one elderly driver. Most of the accidents occurred in daylight, with the road surface being dry. In conclusion, from a road safety perspective this route would not be prioritised for any intervention measures in the foreseeable future.

Moving to the internal layout, the access arrangements and internal layout are as indicated in the already approved outline application. A new priority junction would serve the site, mid-point between Thorncliffe Lane and Thorncliffe View. A zebra crossing on Lane End will provide the pedestrian connectivity, which requires a bus stop to be slightly relocated. These alterations to the highway network will be the subject of road safety audits.

Officers are also satisfied that the amount of car parking provision proposed accords with guidelines, and that the location of the Store is close to a high number of households within a reasonable walking distances for smaller 'basket' type shopping trips.

It is considered that there would be no material impact on the operation of the local highway network or specific safety concerns if planning permission is granted. The proposal complies with UDP Policies H14, and T28 as well as Core Strategy Policies CS51 and CS53 (all significant weight) and the Government's national planning policy guidance contained in the NPPF, in particular paragraph 109.

### Air Quality

UDP Policies GE22 and GE23 relate to pollution and air pollution and seek to ensure that development is sited so as to prevent or minimise the effect of pollution on neighbouring land uses or the quality of the environment and people's appreciation of it, while Core Strategy Policy CS66 promotes action to protect air quality.

NPPF paragraph 170 also seeks to prevent new and existing development from contributing to, being put at risk from, or being adversely affected by, unacceptable levels, amongst other matters, of air pollution.

The local development plan policies align with the NPPF's aim of reducing and mitigating the impacts of development on air quality and are therefore afforded weight.

The site is located within Sheffield's city-wide Air Quality Management Area (AQMA) for exceedances of nitrogen dioxide and particulate matter.

The applicant has undertaken an air quality assessment and has modelled the impact of the proposed development on annual mean levels of nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) concentrations on the site frontage and west of Thorncliffe Lane.

The Air Quality Assessment states that in this location the base NO<sub>2</sub> levels are around 28% of the target level with the development increasing this by less than 2%. The other pollutants including PM<sub>10</sub> and CO would have the same or negligible/zero effect.

It concludes that in quantitative terms the effects of the proposed development would be negligible and emissions would be under target levels. The air quality effects are therefore considered to be not significant.

The proposal complies with Core Strategy Policy CS66 and UDP Policies GE22 and GE23 (significant weight).

### Ecology

UDP Policy GE11 seeks to protect the natural environment. GE11 is in part



conformity with the NPPF and has moderate weight.

The NPPF (paragraph 170) states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other measures, minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures.

The applicant has submitted an Ecological Appraisal of the site involving a desk study and field survey of habitat types and potential for habitats to support protected and notable species. The Ecological Appraisal assesses the habitats on the site, following recent scrub clearance, to be common and widespread in the locale with limited ecological value, and limited suitability for bats, birds and badgers. Non-native invasive Japanese knotweed and wall cotoneaster have been identified on the site.

The Ecological Appraisal considers that the proposal is unlikely to impact upon designated sites in the wider area due to distance and lack of connectivity. An Ecological Enhancement Plan has also been submitted that shows measures that could be included within the development to enhance bio-diversity. This includes the provision of bird and bat boxes, planting to enhance bio-diversity, a bug hotel, hedgehog boxes and the provision of holes in the fencing to provide access for hedgehogs.

It is recommended that a condition be attached to any consent to secure the measures proposed. Subject to this the development would comply with UDP Policy GE11 (moderate weight) and the Government's planning policy guidance contained in the NPPF, particularly paragraph 170.

#### Land Quality

The NPPF (paragraph 178) states 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.

The site falls within a Development High Risk Area as defined by the Coal Authority.

The applicant has submitted a Preliminary Risk Assessment as well as a Coal Mining Risk Assessment.

Both of these reports are considered to be satisfactory. Outline remedial measures are recommended in the Coal Mining Risk Assessment in the form of retaining localised contaminated hotspots at depth and the installation gas protection measures (GPM).

The Coal Authority have reviewed the applicant's submissions and have no objection to the proposed development subject to a condition requiring site investigation works to be undertaken and any remediation works carried out prior to the commencement of development.

## Flood Risk and Drainage Strategy

Core Strategy Policy CS67 relating to flood risk management seeks to reduce the extent and impact of flooding.

Policy CS67 is in conformity with the NPPF and has significant weight.

The NPPF (paragraphs 156 to 165) relating to planning and flood risk states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere and sets out the principles for assessing the suitability of sites for development in relation to flood risk including the sequential and exception tests where appropriate.

The site lies within flood zone 1 where there is a low risk of flooding. The applicant has submitted a Flood Risk Assessment and Drainage Strategy report and an addendum. The FRA concludes that the risk of flooding from all sources is considered to be very low and that surface and foul water could drain to the respective existing sewers subject to surface water attenuation.

Since this FRA was prepared infiltration tests have been successfully undertaken on site and it is therefore proposed that the surface water on site will be disposed of to a soakaway located under the new car park.

It is also proposed that the surface water will be collected by positive drainage in external areas i.e. by gullies and channels at the surface then by underground pipes to the soakaway.

The Local Lead Flood Authority has no objection to the principle of the proposed development.

Yorkshire Water has stated that the applicant's Flood Risk and Drainage Strategy is acceptable and has no objections to the proposed development subject to conditions to secure separate drainage foul and surface water systems and restrictions on the rate of surface water discharge to the public sewer.

## Employment

The development is anticipated to employ 17 full time and 13 part time members of staff.

Sheffield City Council (SCC) would like the developer to consider delivering employment and skills outcomes as a result of this planning application and it is recommended that a condition be attached to the consent requiring the developer to submit an inclusive Employment and Development Plan, covering the construction phase, and if applicable, the operational phase which will be designed to maximise the economic and social benefits for local communities from the proposed development.

The Plan should include a detailed implementation schedule, with arrangements to review and report back on progress achieved to the Local Planning Authority.

The developer will also be advised to consult with Talent Sheffield in Sheffield City Council who will be able to provide information and guidance on drafting the relevant documents required.

## **RESPONSE TO REPRESENTATIONS**

Representations relating to the provision of a further foodstore, highway safety, noise, drainage and lighting have been dealt with in the main body of the report.

There is no indication that plant is to be installed externally upon the roof of the building.

The possibility of increased litter and vermin, devaluation, or damage to property as a result of the development are not planning considerations and would not be valid reasons to withhold planning permission.

## **SUMMARY**

Planning permission is sought for the erection of a retail foodstore, to be operated by Lidl, on the site of the former South Yorkshire Trading Standards depot.

The UDP identifies the site as being within a Housing Area and is surrounded by residential uses.

The site is not within an existing district or local centre, and so a store of this size would not be considered to be acceptable under UDP Policy H10.

Nevertheless, it passes the sequential test for out of centre proposals and would not have a significant impact on the vitality and viability of existing centres. In this instance the principle of the retail development is acceptable. Furthermore, outline planning permission has recently been granted for a retail foodstore of a similar size on this site, thereby establishing the principle of development. There have been no changes to the relevant land use policies since the issuing of this planning approval.

The proposed development would provide safe access onto the existing highway network (and already has approval under the extant outline consent), with the vehicular access being taken from Lane End. A pedestrian access from Thorncliffe Lane is also proposed. 112 car parking spaces would be provided within the landscaped car park.

It is considered that the development would not cause significant harm to the amenities of adjacent and nearby residents or the character and appearance of the locality.

In relation to paragraph 11 of the NPPF, the most important policies in the

determination of this application, which in this case revolve around housing and retail policy, highway and access design, and neighbourliness impacts, do, when considered as a collection, align with the NPPF. As such paragraph 11(d) of the NPPF is not applied in this instance. The proposed retail development is not promoted by UDP Policy S4 and S5 (moderate weight) however the retail policies in paragraphs 85 to 90 of the NPPF have greater weight.

The proposal complies with UDP Policies H14, BE5, GE22, GE23, T28 (significant weight), GE11 (moderate weight), Core Strategy Policies CS63 to CS65 (significant weight), CS67 (significant weight) and CS74 (significant weight), and the Government's planning policy guidance contained in the NPPF in particular paragraphs 85 to 90, 97 and 109, 117 to 123, 124 to 132, 156 to 165, 170, 178.

### **RECOMMENDATION**

It is recommended that planning permission is granted subject to the proposed conditions.