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Case Number	20/03568/FUL (Formerly PP-09131119)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of a four storey office building (Use Class E) (Amended information, including Heritage Statement, published on 10 February 2021)
Location	162-170 Devonshire Street Sheffield S3 7SG
Date Received	12/10/2020
Team	City Centre and East
Applicant/Agent	Urbana Town Planning
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 J 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 F 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. The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site in accordance with the hereby approved plans has been made and evidence that such a contract has been made has been submitted to and approved by the Local Planning Authority.

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

4. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

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

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

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

5. 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.

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. 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.

8. 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.

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

9. No above ground works shall commence until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

10. 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.

11. A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority before any masonry works commence and shall be retained for verification purposes until the completion of such works.

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

12. Prior to construction of the following elements commencing large scale details at 1 to 20 scale shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented.

- Oversailing eaves
- Typical window details including the curved corner window
- Entrance details
- Brickwork detailing.
- Reveals to recessed brickwork

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

13. Prior to construction above ground level commencing, details of a scheme to incorporate public art into the design of the development shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented before the first occupation of the building.

Reason: In the interests of the visual amenities of the locality and in order to comply with Unitary Development Plan Policy BE12.

14. The office accommodation shall not be brought into use unless a scheme of sound insulation works has been implemented and is thereafter retained. Such works shall:
- a) Be based on the findings of an approved noise survey of the application site.
  - b) Be capable of achieving the following noise level:  
Noise Rating Curve NR40 (0700 to 2300 hours).
  - c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilations.
- [Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

15. Prior to above ground construction commencing, details of obscured glazing to the three bays opposite the student flats facing on to Westhill Lane along with details to prevent overlooking from the level three offices and terrace opposite the student flats shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented before the offices are brought into use and shall thereafter be retained.

Reason: In the interests of protecting the privacy of adjacent residential occupiers.

16. The building shall not be used unless the cycle parking accommodation has been provided and details of the cycle stands have been submitted to and approved by the Local Planning Authority. 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.

17. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of any upper floor offices from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be installed prior to such use commencing and be thereafter retained and maintained.

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

#### **Other Compliance Conditions**

18. The development shall be carried out in accordance with the details in the submitted drainage report (Surface Water Discharge Assessment KRP/37024-003 (dated 29 August 2014)), unless an alternative scheme has first been submitted to and approved by the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

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

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

20. No doors or windows shall open out over the highway

Reason: In the interests of pedestrian safety

21. The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

22. Should the building be used as a cafe/restaurant, the restaurant shall only be used between 0800 hours and 0030 hours (the following day) on any day.

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

**Attention is Drawn to the Following Directives:**

1. 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)

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

The notice should be sent to:-

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

Telephone: 0114 273 6677  
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

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

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

3. The applicant is advised to give consideration to the security recommendations of the Police which can viewed on the application file on the Council website. However the Council would be unlikely to support flush entrances.
4. 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.

5. 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.

6. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the land contamination reporting submitted in connection with preceding planning proposals for the site (ref.17/00532/COND1), but there may be contamination within the land which has not been discovered by the surveys/assessments.
7. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority
8. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
9. 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.

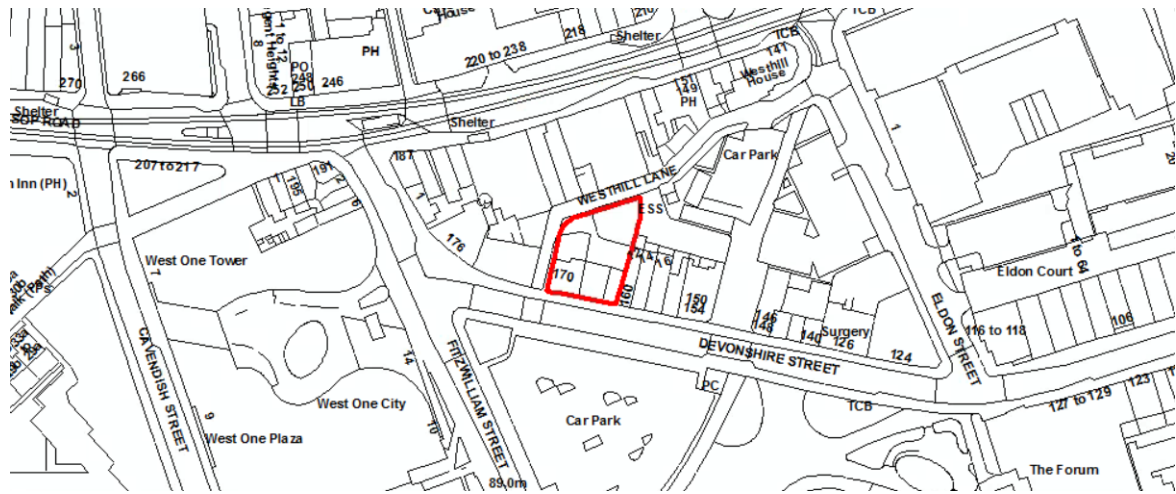


- A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- 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).

10. The applicant is advised to consider the guidance from CADENT and the Northern Power Grid which can be viewed on the online application file.
11. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

## Site Location



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## **INTRODUCTION**

Planning permission was granted a number of years ago for the demolition of 162-170 Devonshire Street and the erection of a three-storey building to form ground floor commercial units with residential units above (reference 14/03473/FUL). The scheme that was granted permission was for a traditional design to Devonshire Street replicating the Georgian style architecture but with a modern wing to the rear.

This application attracted a high degree of public interest; a significant concern being the loss of independent traders who occupied the shops at the time. Other representations were concerned with the loss of the existing buildings which were considered to be an important part of Sheffield's townscape and heritage.

A further permission under Section 73 of the Planning Act granted alterations to the approved plans but retained the design character of the original scheme (reference 17/00532/FUL).

## **LOCATION AND PROPOSAL**

The application site is located on the north side of Devonshire Street adjacent to the junction with Westhill Lane. It comprises of three 3 storey Georgian properties with vacant shops on the ground floor forming part of a terrace of shops. The buildings are faced in red brickwork one of which has been painted/rendered. They have sash windows on the upper floors with modern shop fronts and pitched slate roofs. The rear area is surrounded by a galvanised palisade fence and is overgrown.

Devonshire Green and the associated surface car park are across the road to the south of the site. There are 3 storey shops to the east with flats on the upper floors accessed from the rear. To the west there is the rear of Bar Beyond with the West One mixed use scheme beyond that. To the north are the rear elevations of commercial uses that face on to West Street and a contemporary 7 storey student block.

The application is seeking permission to demolish the existing buildings and construct a contemporary 4 storey office building with 100% site coverage. Although the scheme is clearly designed as an office building the changes to the use classes order mean that it can also be used for shops and cafés /restaurants without the need for a change of use. Pedestrian access to the building will be from Devonshire Street with cycle storage, bins and back of house facilities accessed from Westhill Lane. Each floor has an open plan office layout providing approximately 1100m<sup>2</sup> of floorspace.

The building is positioned to the back edge of the footpath on all the frontages. The illustrations show it faced in a black/grey brickwork with large regular window openings set within deep reveals between brick columns, with floor levels defined by solid course brickwork. The corners to Westhill Lane are curved and decorative brickwork is proposed to the parapet. The fourth floor is fully glazed and has been designed with an oversailing metal roof, it is set back approximately

1.2m which allows for a small terrace.

The applicant has advised that the previous scheme was marketed 'softly' by several letting agents. Two retail/food and drink operators are identified as having shown interest but ultimately did not proceed. They have advised that, following tenders, construction costs on the previous scheme proved prohibitive. They have stated that, even pre-Covid, the viability of the retail/leisure and food and drink sector had begun to change due to saturation of convenience goods operators and due to the number of units available; and that the pandemic will exacerbate this significantly. The applicant's view is that offices will still be required in this location where the scheme will suit flexible and cost sensitive operators. They consider that an office use is an active use in terms of the number of people within the space and patronising the area, and activity/vibrancy in terms of comings and goings. The use class proposed does allow for retail and food and drink uses and these uses would be their first choice, but they consider that the deals are not there to be done in Sheffield City Centre at the present time. They have stated that the previous occupiers of the shops struggled to pay rents at rates that were set 10 years ago and that rents in Devonshire Street are lower than Sharrowvale Road or Broomhill/Banner Cross. They also suggest that some of the existing shops on Devonshire Street opened for reduced hours even before the pandemic and this is indicative of the low viability of this location.

## **RELEVANT PLANNING HISTORY**

14/03473/FUL - Granted Conditionally 26.03.2015 – Demolition of 162-170 Devonshire Street and erection of a three-storey building to form ground floor commercial 4 units (one A1 shop unit and one A3 restaurant/café unit), 2 studio apartments, 6 one-bedroom apartments and 4 two-bedroom apartments.

This scheme was of considerable public interest and the decision was subject to a judicial review (CO Ref: CO/2151/2015) on the grounds that the Local Planning Authority failed to consult English Heritage and failed to determine whether the impact of the proposal on the setting of the two nearby listed buildings was harmful or not. The judicial review was dismissed. The submission of the subsequent Section 73 variation (17/00532/FUL) and conditions applications, together with limited works being carried out on site in early 2018, mean that the approved permission has been implemented and therefore the permission is still valid and extant.

The approved scheme allowed demolition of the existing buildings and replaced them with a traditional façade to Devonshire Street of a similar design to the existing buildings, with a modern wing to the rear. The permitted uses are a shop and food and drink unit on the ground floor with apartments above.

## **SUMMARY OF REPRESENTATIONS**

64 objections have been received one of which is on behalf of the resident's association for the City Centre and one from Hallamshire Historic Buildings. The grounds of objection are as follows:

- The buildings should be restored and are ideally suited to small independent businesses, they are of historical interest being some of the oldest commercial and domestic buildings in the city centre and part of a street frontage of character buildings. The buildings are identified in the Urban Design Compendium as an important early group of buildings. Sheffield has few historical buildings in the City Centre, and these should be retained.
- Demolition will result in the total loss of locally important heritage assets which are vitally important to the character of the Devonshire Quarter. They have value in their own right and group value as whole that is more than the sum of the parts.
- The scheme will have a negative impact on the distinct character of the Devonshire Green Area of Special Character and on the listed Wharnccliffe Fire Clay Works. 162-170 Devonshire Street are a significant part of a row of historic frontages which form a complimentary setting to appreciate the listed building.
- The negative impact of this loss was to some extent mitigated by the complementary design of the previous scheme. The heritage statements fail to assess the impact on the west facing frontage of Wharnccliffe Works. The rundown appearance of the rear yards is not a visual/setting problem. The yards are a dominant feature in the setting of the works and present the original historic context for the building. As a result, the development will be detrimental to its setting in contravention of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which should be given significant weight.
- The design is poor, unimaginative, an eyesore, bears no relationship to its surroundings, will dominate the area, adds to the blandness of the City Centre and the architecture and is not in keeping with this part of the city.
- It significantly increases the massing from the previous scheme and extends well above the roof line of the existing buildings. It is bulky and the brick colour is insensitive. The design would not appear out of place in a modern inner-city development but fails to acknowledge the local historic context.
- The design should be a sympathetic like for like development as was the previous scheme which accords with UDP policies BE15 and BE18(c) which have been confirmed as still applying in recent appeal decisions. The proposal is contrary to paragraphs 39, 127 of the NPPF and to the National Design Guide paragraphs 41, 43, and 48. These recognise that development should be sympathetic to local character and history and point to the importance of community acceptance of a design.
- The design and access statement, planning statement and heritage statements are criticised as containing contradictory arguments. It is argued that the original heritage statement would have at least concluded that the current proposal would have a moderately negative impact. It is stated that the most recent heritage addendum is an incoherent addition to the original statement and reaches its conclusions without a proper explanation. It is argued that it is not clear that a proper heritage statement has been submitted.
- The scheme should provide independent shops and apartments and a social focus, which could support the areas focus for arts. Loss of this character will affect the number of visitors to the city. Policy CS74 of the Sheffield Core Strategy indicates that development is expected to "respect, take advantage of and enhance the distinctive features of the city" including the distinctive heritage of the city, which the current proposal fails.

- Permission was granted previously for a more sympathetic scheme and now it is claimed that this establishes the principle of demolition. That previous scheme may no longer be commercially viable and the full weight of the impact of the loss of the unlisted local heritage assets should be considered during the planning balancing exercise.
- There is no need for more student accommodation and the scheme is unlikely to be viable. There is no need for office space an office block will not bring vibrancy to the area and support the local residents and Devonshire Green and it does not create an active frontage.
- The owners have neglected the site for 5 years allowing it to become an eyesore. The structural surveys indicate the buildings are serviceable and demolition is not required for health and safety reasons.
- Demolition will have a negative ecological impact and undermines carbon neutrality. A development that fails to take the opportunity to maximise re-use by re-using the building cannot be considered sustainable and cannot be considered to be well-designed.
- Lack of parking will exasperate existing parking problems.

## **PLANNING ASSESSMENT**

### Policy

#### The National Planning Policy Framework (NPPF)

Paragraph 38 of the NPPF says local planning authorities should approach decisions on proposed development in a positive and creative way. They should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 80 says significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.

Paragraph 11 defines the presumption in favour of sustainable development to be:

- 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 areas or assets of particular importance provides a clear reason for refusing the development proposed; 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.

### Development Plan Policies

The site is located within the Central Shopping Area in the Unitary Development Plan. Policy S3 says shops (A1) are preferred whilst B1 office uses (now class E) are defined as being acceptable. The commentary on the policy says that there are opportunities for shopping on Devonshire Street and good opportunities for specialist shops in accessible but less costly locations. It accepts that it is not necessary to have high concentrations of shopping in these areas and other uses like offices are also acceptable. The policy says all development must comply with Policies H12 and S10.

Policy S10 says that in shopping areas new development will be permitted provided that it would not lead to a concentration of uses which would prejudice the dominance of preferred uses in the Area or its principle role as a Shopping Centre. Dominance is defined as a level of development sufficient to help secure an adequate supply of the preferred land use (or uses) for city-wide needs in appropriate locations and to establish or maintain the distinctive character and role of the Area. This will usually mean that non-preferred uses do not occupy more than half of the Area. In this case even with the development on this site, shopping uses will remain dominant in the Central Shopping Area.

The site also lies within the City Centre Housing Priority Area. Unitary Development Policy H12 says that housing will be promoted in the City Centre where it would help to strengthen existing communities where it is already established. It says in the City Centre Housing Priority Zone, housing will be expected to form a significant proportion of any new development. The commentary on the policy says that housing will play an important part in the Council's plans to make the City Centre more lively, safer and interesting. It will help prevent dead areas occurring when shops and offices are closed. It says that there is a lot of pressure for commercial development in the Housing Priority Zone. Commercial uses are encouraged in those parts of the Zone which lie in Business and Shopping Areas but it is important to include a suitable proportion of new housing. The Zone has a generally satisfactory environment including some significant areas of open space which will be important for residents.

Core Strategy (CS) Policy CS3 promotes the City Centre as a location for office development.

Policy CS17 says that the distinctive and fundamental roles of different quarters in the City Centre will be consolidated and strengthened. For the Devonshire Quarter this is – a thriving, distinctive and vibrant area with city living, niche shops, restaurants and bars and a variety of business uses together with the City Centre's largest green space, Devonshire Green.

Core Strategy (CS) Policy CS18 does not include Division Street / Devonshire Street as part of the 'Primary Shopping Area' where retail uses are required on the ground floor frontages, but it is recognised as one of the Shopping Streets at the approaches to the Primary Shopping Area. On such streets, small shops, food and drink outlets and services that would promote the vitality of the area will be acceptable on ground floor frontages.

Core Strategy Policy CS27 is concerned with housing in the City Centre and says further expansion of City Centre living, with a mix of tenures and sizes of unit, including affordable housing, will form part of a mix of uses. Around Devonshire Green is one of the areas where this policy applies.

#### Other relevant land use policy

Other Council strategies single out Devonshire Street and Division Street as locations to promote small shops. These include the Devonshire Quarter Action Plan (2001) and the draft City Centre Plan (2018) the latter of which states: *“Division St and Devonshire St are currently the main City Centre concentration of independent fashion, specialist shops and food and drink, supported by its strong footfall and lively Devonshire Green park. The Council wants to retain the distinct character of this area and will continue to support independent retailers to thrive”*. It is then noted as a location for ‘small and independent retail and food & drink’ on Plan iv. These are material considerations and should be given weight, especially given the strength of public opinion concerning these properties in recent years. The Action Plan says that on Devonshire Street a maximum of one third of the linear ground-floor frontage on any block (i.e. all those properties contained between any two public highway junctions) will be permitted to change to non-shopping uses. The Green Room is a food and drink use and one of the shops is used as a Tattoo Parlour (sui generis use) in the same block and combined with an office use on the ground floor of the development over 50% of the frontage will be in non-retail usage. Therefore, the proposal is contrary to the Devonshire Quarter Action Plan.

In September 2020 the government altered the Use Classes Order to include a broader range of uses within a new use class E (commercial, business and service). Prior to this offices, A1 retail and restaurants/cafes were in separate use classes but now they all fall within the same use class. It is the government’s intention with this change to allow greater flexibility for changes of use within town centres unless there are clear reasons not to do so.

The most recent Employment Land Review (2020) noted an overall shortage of land for economic uses. This review would seem to support an employment use on this site.

#### Policy Conclusion

The development plan policies promote retail uses (on the ground floor), residential uses and offices in this area of the City Centre. However, none of the policies say any of these uses must be provided on this site except the Devonshire Quarter Action Plan which requires the retention of a proportion of shopping uses on the Devonshire Street ground floor frontage. However, given the recent changes to the use classes order, which allows a broader range of uses and more flexibility in the new Class E, it is concluded that restrictive policies on the percentage of a frontage that should be given over to a specific use are out of date.

The proposal will replace vacant shop units with offices. The applicant was encouraged to provide shopping and food and drink uses on the ground floor



frontage facing Devonshire Green during pre-application discussions in order to promote the vitality and viability of the area and maximise active uses but has declined to do so. Given the weak market for new retail uses; the governments changes to the use classes order; and the age of the Devonshire Quarter Action Plan, (which is now 20 years old) it is concluded that there is insufficient justification to resist this application on the basis that it does not provide retail uses. If permission is granted, the building can be used for retail uses without the need for planning permission.

Both office uses and housing uses are acceptable in policy terms and the main development plan land use policies (with the exception of ground floor frontage policy) cited above are up to date and should be given significant weight. Bar Beyond has been granted permission on appeal to use the external area immediately to the west of the site up until 03.30 hours on any day with music allowed until 10pm. There are also several other late night uses around this site. This means that this is not an ideal location for housing and, in many ways, is more suited to a daytime office use.

The proposed office development is supported by up-to-date development policies and therefore paragraph 11d) is not engaged in this instance.

#### Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 says that Local Planning Authorities shall have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Paragraph 192 of the NPPF says that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 194 says that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 196 says 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 including, where appropriate, securing its optimum viable use.

Paragraph 197 says that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard

to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 200 says that Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The glossary of the NPPF defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Unitary Development Plan Policy BE19 is concerned with development affecting listed buildings. It says that proposals for development within the curtilage of a building or affecting its setting, will be expected to preserve the character and appearance of the building and its setting. This policy can be attributed significant weight as it is in line with the NPPF.

Unitary Development Plan BE20 says that the retention of buildings which are of local interest but not listed will be encouraged wherever practicable.

Policy BE15 refers to preserving or enhancing areas of special architectural or historic interest, it says that development which would harm the character or appearance of listed buildings and Areas of Special Character (ASC) will not be permitted. The site lies within an ASC as defined in the Unitary Development Plan Proposals Map. Policy BE18 says that in ASC the following will be expected:

- (a) the submission of planning applications which provide enough information to enable an assessment to be made of the impact of the development on the Area; and
- (b) the retention of buildings, walls, trees, open spaces and other features that contribute to the character of the Area; and
- (c) new development which respects the appearance and character of the Area.

This policy has very little weight as ASC's were effectively candidate Conservation Areas and this one has not been designated 23 years after the plan was produced. The Inspector for the UDP Inquiry said this policy would cease to have effect if the areas were not quickly changed to Conservation Areas. Only a small number have subsequently become Conservation Areas.

The National Planning Practice Guidance says that significance derives not only from a heritage asset's physical presence, but also from its setting. It states that in the planning context heritage interests may be archaeological, architectural, artistic, or historic. Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent, and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of

development proposals. Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) to identify which policies apply. It goes on to say the extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. It also says that it may be influenced by other environmental factors such as noise and dust and other land uses in the vicinity.

Historic Environment Good Practice Advice in Planning. Note 3: The Setting of Heritage Assets (Historic England 2017a) provides guidelines on assessing impacts on the setting of heritage assets.

Conservation Principles and Guidance for the Sustainable Management of the Historic Environment (2008) by Historic England provides guidance on assessing the significance of built heritage assets.

Sheffield Urban Design Compendium defines the terrace of properties which include the application buildings as unlisted buildings which contribute to the character of the area. It describes distinct character areas and the row of shops and the Wharnccliffe Fireclay Works on Devonshire Street as an important early group of buildings, forming part of a group including the Fitzwilliam to Eldon Street section of West Street.

The application is supported by an archaeological assessment and building appraisal which was prepared in 2015 to support the previous application. In addition, a Heritage Statement Addendum Report dated February 2021 assesses the impact of the current scheme on heritage assets.

There are a number of designated heritage assets in the area comprising of listed buildings and the Hanover Conservation area which is located approximately 235m to the west of the site and the City Centre Conservation area is approximately 250m to the east of the site. Taking into account the nature of these assets, the scale of the development, the surrounding built form and distance of these heritage assets from the site, it is considered that the setting of only the former Wharnccliffe Fireclay Works and the sewer gas lamp, which are to the two nearest designated heritage assets, will be affected by the proposal.

Nos 140 to 146 Devonshire Street (the former Wharnccliffe Fireclay Works) which is listed grade II are located approximately 40m to the west of the site. These are a 2 and 3 storey brick faced building fronting on to Devonshire Street (and Devonshire Green across) and date from the late 19<sup>th</sup> century. The building is faced in red brick with stone dressings and ornate terracotta decoration and has an attractive shopfront. Now used as shops, café and restaurant with flats above. Wharnccliffe Works has historic and aesthetic/architectural interest.

Close to the corner of Westhill Lane and Eldon Street there is a sewer gas lamp which is listed grade II. This is a cast iron structure dating from late 19<sup>th</sup> century.

The sewer lamp has historic and technological interest.

The original setting of these two listed structures was of densely packed domestic, industrial, and commercial buildings. This has been eroded by demolition of much of their original surroundings, the loss of street frontage and by modern development such as the Royal Plaza development and the car park on the corner of Westhill Lane and Eldon Street.

The setting of Wharnccliffe Works will be affected due to the loss of context by the demolition of buildings on site which are of a similar scale and character to the designated heritage assets. However, the limited quality of the buildings to be lost, (due to unsympathetic alterations, rebuilding of the frontage of one of the units and their poor condition, particularly the rear of the site), diminishes their importance to the setting of the designated heritage assets. The condition of the rear part of the site currently has a negative impact on the setting of the heritage assets. The scheme will remove this blight and will improve the aesthetics of Westhill Lane and help to address security and antisocial behaviour issues by improving the level of surveillance. This will result in a minor improvement in the setting of the sewer lamp. The loss of the buildings on site however will have a minor negative impact on the setting of Wharnccliffe Works due to the reduction in its historic context. This will have a less than substantial impact, but this is judged to be very much at the lower end of the spectrum of what would be considered to be less than substantial.

The demolition of the buildings on site will lead to the complete loss of a non-designated heritage asset of local importance. The buildings on the site comprise of a row of terraced shops fronting Devonshire Street of 3 storeys which date from the early 19<sup>th</sup> century. They are faced in brickwork although the brickwork on the western most building has been painted white. They have pitched slate roofs with stone dressings and sash windows on the upper floors. The frontage of the middle unit has been rebuilt. The shopfronts have been significantly altered. The side and part of the rear elevation has been rendered and there is a large mural painted over part of the rear elevation. The rear yard is bounded by a palisade fence and is overgrown with some rubble and debris on site. The buildings are not listed and do not lie within a conservation area and therefore are non-designated heritage assets.

The buildings have some evidential value in that they are typical of the regency period; however the principle façade of numbers 164-166 is a modern rebuild which reduces the buildings' overall significance. The buildings have retained some historic fabric which is of importance. However, numbers 168-170 have lost a substantial number of original features and the removal of walls and fittings and windows has reduced their significance. They are one of the oldest commercial and domestic buildings in the centre which adds to their significance. They have some historic value as small independent shops from the early 19<sup>th</sup> century until recently. They have some aesthetic value as typical shops and dwellings of the era, but this has been diminished by modern alterations and rebuilding works and the poor condition and appearance of the rear of the site. They have considerable communal value as shown by public interest in the application which derives from people seeing the buildings as a source of identity and distinctiveness.

The setting of the site has changed considerably since the buildings were built. This has been due to the loss of historic fabric during the 1940s air raids; slum clearance; the landscaping of Devonshire Green and the modern developments such as West One. However, the neighbouring 19<sup>th</sup> century buildings to the east which are of similar scale and character contribute to the historical significance of the buildings and their location, facing on to Devonshire Green, makes a positive contribution to their setting.

Having regard to the significance of the buildings as described above their total loss is considered to have moderate negative impact on the locality.

The replacement building adopts an unashamedly contemporary design and extends above the roof of the existing traditional terrace to which it is attached. It is a high-quality scheme which responds in a modern way to the heritage sensitivity of the site. This takes the form of a perimeter block scheme that reinforces the historic street pattern. A design which embodies a vertical emphasis and regular rhythm of window openings with a modern brick finish which are contemporary responses to the historic context. The mix of traditional and modern materials helps to tie the development in with both its traditional and modern neighbours.

Whilst the current scheme is taller than the adjoining terraces it addresses this prominent corner site and responds to the large open space of Devonshire Green. The new design will form an abrupt change from the existing traditional terrace; however it should not be a requirement for new development to copy traditional architectural designs even if it were within a conservation area. Contemporary schemes can be equally successful provided that they are of high quality and take account of their context. In this case the scheme will contribute positively to its context, enhancing both the Devonshire Street frontage and the rear of the site which has become degraded and run down. It will also reinstate the street frontage to Westhill Lane with large glazed openings creating a welcoming and permeable frontage. Considering the quality of the replacement scheme and the loss of existing buildings it is concluded that the impact on the heritage assets will be minor negative.

It has been assessed that the development will result in a minor improvement in the setting of the sewer lamp and will have a less than substantial impact on the setting of the Wharnccliffe Works and a minor negative impact will result due to the loss of the non-designated existing buildings. It is therefore necessary to consider whether there is a clear and convincing justification for the development and to weigh the harm to the significance of the heritage assets against the public benefits of the proposal as required by paragraphs 194 and 196 of the NPPF. It is also necessary to weigh up the minor negative impact of the loss of the existing non-designated heritage buildings in the balance of overall benefits and disbenefits. This exercise is undertaken in the conclusion section of this report.

## Design Issues

Core Strategy Policy CS74 says that high quality development will be expected which would respect, take advantage of and enhance the distinctive features of the city including the townscape character of the city's quarters, with their associated

scale, layout, built form, building styles and materials and the distinctive heritage of the city, particularly buildings associated with the City Centre. It also says that development should contribute to place making, be of high quality and help to transform the character of physical environments that have become run down and are lacking distinctiveness.

The NPPF promotes well designed buildings and places in paragraph 124.

Paragraph 127 says that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

This group of buildings, together with the remainder of the street frontage onto Devonshire Green, creates a widely recognised and distinctive image of the city, to both residents and visitors.

The Sheffield City Centre Urban Design Compendium recognises the contribution that this group of buildings has to the distinctive character of the Devonshire Quarter, identifying them as buildings of character.

Although run-down the existing buildings make a positive contribution to the character of the local townscape. Their loss would cause an abrupt change to what is a harmonious run of buildings of similar age and scale. The previous scheme sought to temper this by largely recreating the style.

However, it is recognised that the principle of the demolition of the existing buildings has already been established under the 2014 consent. The buildings are not listed or in a conservation area and the applicant has re-submitted a brief structural report submitted with the previous 2014 permission which raises some structural issues, particularly in respect of the upper floors of No. 162 and the gable wall, upper floors and roof structure of Nos 168/170. It says that in the longer term, if the properties are to remain in occupation, several issues will need to be addressed. The assessment was dated April 2014 and there is no evidence of

significant repair work having been undertaken since.

The new scheme maintains the existing building line to Devonshire Street.

The scale and massing of the building with the setback upper floor extending one storey above the ridge line of the adjacent shops is acceptable and does not over dominate the existing buildings in the terrace.

The confident modern design utilises brick as the main material which is appropriate to the context albeit of a contrasting colour. The design adopts a regular rhythm of window openings with a strong vertical emphasis which echoes the established rhythm of the traditional buildings nearby. The curved corner with larger window openings responds to this key focal point and will help to establish a sense of place. The large window openings throughout the main elevations will provide a welcoming and active frontage to the street. The deep reveals and brick detailing will create strong modelling to the elevations and add visual interest.

It is considered that the modern design is high quality and will create a visually attractive frontage to this prominent site. Its positioning on the site, scale and massing, use of materials and contemporary interpretation of traditional design features is sympathetic to the character of the area. It is considered that by these means the design has responded to local character and history. It is accepted that slavishly reproducing traditional designs is not the only way to achieve a considered response to local character. As paragraph 127c of the NPPF says when promoting well-designed places, developments should be, *“sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);”*

The new design is welcoming and will help to create a sense of place with its glazed elevations which will contribute positively to natural surveillance.

It is therefore considered that the proposal meets the development plan and NPPF design policies, and the design should be supported.

#### Amenity Issues

There are existing flats at first and second floor level above the shops immediately to the east of the site. The ones nearest to the site are accessed from the rear by external steps across a single storey flat roof rear extension to the shops.

The new office building will be constructed along the shared boundary with the adjacent flats and shops and will present a brick elevation between 3 to 4 storeys high with a slightly set back upper floor on top. This will extend approximately 16m past the rear elevation of the adjacent shops/flats. There are windows to the flats which are set in from the boundary approximately 1.5m. The layout of the flats is unclear but from a previous application report it seems that the first floor contains a kitchen and living room with the second-floor accommodating bedrooms. It seems likely that the kitchen/dining areas are at the rear with the living room at the front although this has not been confirmed. If this is correct it means the outlook and

natural lighting from the nearest flat will be adversely affected by the office building. There is evidence on google maps of a table and chairs which suggest that some of the flats use the terrace on top of the ground floor extension as outdoor space in summer. This area is unlikely to receive much direct sunlight as it is north east facing and already screened from midday and afternoon sun. Any late afternoon early evening sunlight will be lost, and the side wall of the office building is likely to appear quite overbearing.

The applicant has been asked to set back the building along this boundary or create a courtyard at the rear to mitigate the impact on the nearest flat. They have resisted this on the basis that they do not consider there will be a detrimental impact on adjoining occupiers. More reasonably they also argue that creating a courtyard would have a significant impact on the layout of the offices as the stair core would need to be relocated, which would make the rear part of the site unmarketable and restrict the space for offices at the front. The applicant also argues that windows facing on to a courtyard would create overlooking of the adjoining flats, although your officers consider this could be designed out to a large degree. Furthermore, they argue that the development would restrict overlooking from the student scheme to the north on the opposite side of Westhill Lane. Whilst this is true, the overlooking would not be significant in a city centre context as there is some 20m of separation and in any case a courtyard scheme would present a frontage to Westhill Lane and so would also prevent this overlooking. They also point out that there is a large area of amenity space close by on Devonshire Green.

Despite the above points your officers remain firmly of the view that the proposal will have a significant harmful impact on the amenity of the nearest flat primarily due to the overbearing impact of the large flank wall on the outlook from the windows and on the approach to the flats. On the positive side it will remove the dilapidated rear yard which is currently detracting from the amenity of the flats.

Setting back the development on the boundary with the flats will potentially put at risk the whole scheme. Whilst the impact on the nearest neighbour will be significant there are wider community benefits from developing this site which are referred to in the conclusion and in this case are considered to outweigh the amenity impacts.

Westhill Lane is a narrow Lane and the office windows on this elevation will be directly facing the student apartment windows to the north on the opposite side of Westhill Lane. The window separation is approximately 5m and the lower level south facing windows in the student scheme will also be affected by loss of sunlight. This arrangement will result in a serious loss of privacy for the student bedrooms unless mitigated. Whilst window to window outlook distances across a street of 12m wide have been accepted on numerous occasions in city centre locations, 5m is considered to be unacceptable particularly given that the windows are so large. Removing part of the development along the Westhill Lane frontage or removing windows would not be desirable as the built form helps to reinforce the original street pattern and removing windows altogether would significantly affect the attractiveness of the scheme and detract from the elevations. In this instance a reasonable mitigation is that the lower part of the office windows to above eye level are obscure glazed in order to minimise the privacy issues whilst still allowing light



into the offices. This has been accepted by the applicant.

### Sustainability

The site is sustainably located and has the potential to minimise the need for travel by private car. Development of brownfield sites is encouraged, although re-use of existing buildings is more sustainable than redevelopment. There is some doubt in this case as to whether the existing buildings could meet modern business needs. New buildings are more energy efficient and conditions are proposed that will require the new building to meet the Council's sustainable design standards in Policies CS64 and CS65 of the Core Strategy. This means the office building will need to be designed to BREEAM Very Good standard and designed to ensure 10% of the predicted energy needs are met from renewable or low carbon sources or by additional energy efficiency measures. This is secured by condition.

### Access Issues

The proposed development results in 100% site coverage and consequently no off-street vehicle parking is proposed. There are extensive on-street parking controls in the vicinity of the site so parking should not have an adverse impact on the highway or the amenities of adjoining occupiers. The site is highly accessible being close to the tram stop on West Street and high frequency bus services. Given this, there is no requirement for off-street parking and the lack of parking will encourage sustainable travel to the site.

A small cycle parking area is provided on the ground floor within the building with wider door openings to facilitate access with a bike.

Level access is provided to the building from Devonshire Street and lift access and disabled toilets on all floors therefore the proposal will facilitate inclusive access.

### Archaeology

The South Yorkshire Archaeological Service has advised that building recording and below ground archaeology should be investigated in this case. A method statement for both these elements was approved under a condition discharge application under the previous 2014 permission. However as this is a new permission and considerable time has passed it is appropriate to apply the same condition to this application in order to ensure archaeological interest is properly investigated.

### Drainage

The drainage report says the ground conditions will not support soakaways and the site is remote from a watercourse. Therefore, surface water will be discharged to the public sewer via a storage tank with a restricted discharge of 5 litres/second across return periods up to 1 in 100. Yorkshire Water has advised that the submitted details are acceptable and that a condition should be attached requiring the approved details to be implemented.

## **SUMMARY AND RECOMMENDATION**

The proposed use is supported by Development Plan policies and will support economic growth. It will deliver an employment use in a sustainable location. This should be given significant weight as required by paragraph 80 of the NPPF.

The site has been vacant for several years and is run down, with the rear of the site detracting from the appearance and amenity of the area. The proposal will regenerate the site and improve its appearance. The new building is a high-quality design which responds to the context in a contemporary way in line with paragraph 127c of the NPPF. It will have a strong relationship with the surrounding street frontages and Devonshire Green and the large, glazed opens will provide active frontages and natural surveillance. It meets the Development Plan and NPPF design policies, and the strong design should be given significant weight in the planning balance.

The proposal is judged to have a less than substantial harmful impact on the setting of the listed Wharnccliffe Fireclay works and a beneficial impact on the setting of the listed sewer lamp.

The total loss of the existing buildings which are undesignated heritage assets will have a minor harmful heritage impact. The heritage impact should be given significant weight. The significance of the heritage impact is limited as it is judged that it will have a minor impact on the setting of the listed former Wharnccliffe Fireclay Works. The buildings on site which will be totally lost will have a minor heritage impact taking into account their significance as local undesignated heritage assets of limited quality, against the heritage benefits of the replacement scheme.

There will be harmful impact on the amenity of occupiers of the nearest flats due to the dominance of the flank wall when experienced from the nearest flat and external terrace. This should be given moderate weight.

The previous consent which permits the demolition of the buildings with a traditional design and providing accommodation for a shop/food and drink use and flats has been lawfully started but has not been progressed and the site remains a vacant blight on its surroundings.

Given the heritage impacts outlined above it is necessary to consider whether there is a clear and convincing justification for these impacts; whether they are outweighed by the public benefits and taking into account the significance of the total loss of non-designated heritage assets as required by paragraphs 194, 196 and 197 of the NPPF.

As concluded above the heritage impacts are judged to be minor negative. The economic benefits from developing the site for offices and the environmental benefits of regenerating this run-down site in a prominent location with a high-quality scheme that will enhance the streetscape and Devonshire Green provide a clear and convincing justification for the development and as such it is concluded that the public benefits outweigh the heritage harm. The benefits of the scheme

also outweigh the harm to the amenity of adjacent residential occupiers.

Regard has been given to the desirability of preserving the setting of listed buildings as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is concluded that the development complies with Development Plan and NPPF policies when taken as a whole and that the scheme constitutes sustainable development which should be granted planning permission subject to the listed conditions.

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