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Case Number	21/02206/FUL (Formerly PP-09760284)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of 7-storey office building (Use Class E) with ground floor commercial unit (flexible retail and/or other Use Class E), with associated cycle parking (Amended Scheme)
Location	39-43 Charles Street and 186-194 Norfolk Street Sheffield S1 2HU
Date Received	11/05/2021
Team	City Centre and East
Applicant/Agent	ID 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:

2937-CDA-00-SL-DR-A-0100 Rev D - Site Location Plan  
2937-CDA-00-SL-DR-A-0500 Rev D - Proposed Site Plan  
2937-CDA-00-B-DR-A-0600 Rev D - Basement Level  
2937-CDA-00-GF-DR-A-0601 Rev D - Ground Floor  
2937-CDA-00-01-DR-A-0602 Rev D - First Floor  
2937-CDA-00-02-DR-A-0603 Rev D - Second Floor  
2937-CDA-00-03-DR-A-0604 Rev D - Third Floor  
2937-CDA-00-04-DR-A-0605 Rev D - Fourth Floor  
2937-CDA-00-05-DR-A-0606 Rev D - Fifth Floor  
2937-CDA-00-06-DR-A-0607 Rev D - Sixth Floor  
2937-CDA-00-07-DR-A-0608 Rev D - Roof Plan  
2937-CDA-00-YY-DR-A-0700 Rev D - East Elevation  
2937-CDA-00-YY-DR-A-0701 Rev D - South Elevation

2937-CDA-00-YY-DR-A-0702 Rev D - West Elevation  
2937-CDA-00-YY-DR-A-0703 Rev D - North Elevation  
2937-CDA-00-YY-DR-A-0704 Rev D - West Context Elevation  
2937-CDA-00-YY-DR-A-0705 Rev D - North Context Elevation  
2937-CDA-00-YY-DR-A-0706 Rev D - Pinstone St Context Elevation  
2937-CDA-00-YY-DR-A-0707 Rev D - Norfolk St Context Elevation  
2937-CDA-00-YY-DR-A-0708 Rev D - Charles St Context Elevation  
2937-CDA-00-YY-DR-A-0800 Rev D - Sections  
2937-CDA-00-YY-DR-A-0802 Rev D - Sections  
2937-CDA-00-YY-DR-A-0804 Rev D - Sections  
2937-CDA-00-YY-DR-A-0805 Rev D - Non-Vision Glazing  
2937-CDA-00-YY-DR-A-0709 Rev D - Neighbour Distances  
2937-CDA-00-03-DR-A-0612 Rev D - Neighbour Distances.

Reason: In order to define the permission.

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

3. No demolition hereby authorised shall be carried out before a contract for carrying out the construction of the new building hereby approved has been made. Evidence that such a contract has been made shall be submitted to and approved in writing by the Local Planning Authority before demolition commences.

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 Conservation Area.

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

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

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

5. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM);

Environment Agency 2020).

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

6. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

7. 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:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

8. Prior to construction works commencing:

- a) a scheme of intrusive site investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) 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.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interests of the safety and stability of the development in accordance with paragraph 183 of the National Planning Policy Framework.

9. 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 building is brought into use and the building shall not be brought into use until the highway improvements listed below have been carried out.

Highways Improvements:

i) Reconstruction of the footway along Charles Street with new kerbs, pedestrian drop-crossing and tactile paving where necessary (and possibly bollards along the Charles Street front of footway) all in accordance with the Primary Palette of the Urban Design Compendium.

ii) With respect to Charles Street any accommodation works to street lighting, highway drainage, traffic signs, road markings, statutory undertaker's equipment and general street furniture because of the development proposal.

Reason: In the interests of pedestrian and highway safety and to ensure the development contributes positively to the character of the conservation area and is consistent with the higher quality public realm being delivered in the primary zone of the city centre.

10. 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.

11. 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.

12. 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.

13. 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.

14. No construction of the buildings, construction of additional basement areas or demolition of existing basement walls shall take place until Approval in Principle (AIP) for the basement's walls and floor, which will be permanently supporting the adjacent public highway, has been submitted to and approved in writing by the Local Planning Authority. As a minimum, the AIP submission shall cover:

- Proof of structural integrity of the basement's walls and floor, with structural calculations and drawings, demonstrating that the adjacent public highway will be adequately supported.
- Confirmation and agreement of the proposed ongoing structural inspection strategy, including the protocol for submitting inspection reports to the Local Planning Authority.
- Servicing arrangements for inspection personnel needing to gain access to the structure.
- The method of temporary support to the public highway during demolition/construction of the basement, including proof of structural integrity, calculations and drawings.

Construction of the basement shall not commence until the AIP has been approved by the Local Planning Authority.

Reason: In the interests of highway safety

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

Local Planning Authority. The WSI shall include:

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

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

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

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

16. Details of all proposed external materials including fixings 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 construction of 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.

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

- Plant screens
- Ventilation grills and extracts
- Glazing system
- Balustrades
- External doors

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

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

18. A sample panel of the proposed masonry and cladding panels 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.

19. 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.

20. The cycle parking, changing facilities, lockers and showers shall be provided before the building is brought into use and thereafter retained.

Notwithstanding the details shown on the approved ground floor plan the access to the cycle parking shall be revised to provide a more direct route to the store and the doors serving the cycle store shall have a 1.2m clear opening and open automatically. Details of the type of cycle stands shall be submitted to and approved by the Local Planning Authority before the building is brought into use and therefore the approved details shall be implemented.

Reason: In the interests of encouraging sustainable travel to and from the site.

21. The building shall be designed and constructed to achieve the renewable or low carbon energy levels and Co2 reduction as set out in the agent's email dated 9.12.2021 unless an alternative scheme is approved by the Local Planning Authority. The 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 in accordance with Sheffield Development Framework Core Strategy Policy CS65 and in order to ensure a highly sustainable building is delivered as these benefits have been taken into account when considering the planning balance for this development.

22. The building shall be designed, constructed and operated in accordance with the LETI Net Zero Carbon Framework as set out in Paragraph 3.62 of the sustainability statement and to achieve a wired score-minimum gold, EPC score-minimum A certification, as set out in Paragraph 7.12.4 of the planning statement. Prior to the occupation of the building a report incorporating an audit of the performance of the building against the above targets including the measures to ensure delivery of these elements to be provided during the operational phase, shall be submitted to and approved by the Local Planning Authority. Thereafter the approved measures shall be maintained and implemented.

Reason: In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64 and in order to ensure a highly sustainable building is delivered as proposed, as these benefits have been taken into account when considering the planning balance for this development.

23. The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'Excellent' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'Excellent' 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 and in order to ensure a highly sustainable building is delivered as these benefits have been taken into account when considering the planning balance for this development.

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, 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 visual amenities of the locality and occupiers of adjoining property.

25. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of the safety and stability of the development in accordance with paragraph 183 of the National Planning Policy Framework.

26. Before the playing of any live music or amplified sound in the ground floor commercial units commences and before the office use commences, Validation Testing of the relevant sound insulation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

- a) Be carried out in accordance with an approved method statement.
- b) Demonstrate that the relevant specified noise levels set out in Condition 27 for the office accommodation and Condition 32 for the ground floor commercial uses have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound insulation works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

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

27. 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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation 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.

28. 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 approved noise survey (ref: DC3543-R3, dated: 20/04/2021, prepared by: Dragonfly Consulting).

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 63Hz to 4kHz)

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

29. Before any work on the green walls commences full details of the design, planting, growing medium, irrigation, and maintenance schedule shall be submitted to and approved by the Local Planning Authority. Thereafter the green walls shall be implemented and maintained in accordance with the approved details.

Reason: In the interests of the amenities of adjoining residential occupiers.

30. The green walls shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter the green walls shall be retained and they shall be cultivated and maintained and any plant failures shall be replaced.

Reason: In the interests of the visual amenities of adjoining residential occupiers.

31. Notwithstanding the details shown on the non-vision glazing elevations, the 3 western-most windows on the fourth and fifth floors of the north elevation and the 2 northern-most windows on the fourth and fifth floors of the west elevation shall be obscure glazed to a minimum level 4 obscurity.

Reason: In the interests of protecting the residents of Berona House and St Paul's Parade from excessive overlooking and loss of privacy.

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

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary

Development Plan and to ensure that the quality of the built environment is enhanced.

33. No live music or amplified sound shall be played within the ground floor commercial use unless a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:
- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
  - b) Be capable of restricting noise breakout from the commercial use to the street to levels not exceeding the prevailing ambient noise level when measured:
    - (i) as a 15 minute LAeq, and;
    - (ii) at any one third octave band centre frequency as a 15 minute LZeq.
  - c) Be capable of restricting noise breakout and transmission from the ground floor commercial use and any associated plant or equipment, to all adjoining office accommodation to levels complying with the following:
    - (i) Office: Noise Rating Curve NR40 (0700 to 2300 hours);Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority. [Noise Rating Curves should be measured as a 15 minute LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

### **Other Compliance Conditions**

34. The class E unit shall only be used as a cafe/restaurant between 7am and midnight on any day.

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

35. The non-vision glazing shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the window shall at any time be glazed with clear glass unless details are first submitted to and approved by the Local Planning Authority that demonstrate this will not allow views out to existing amenity space or habitable room windows of existing residential properties surrounding the courtyard.

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

36. No doors (except sub-station doors or emergency exit doors) are to open into the adjoining public realm or adopted highway.

Reason: In the interests of pedestrian safety.

37. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage.

38. The demolition and construction works shall be carried out in accordance with the measures set out in the Construction Environment Management Plan unless alternative arrangements are approved by the Local Planning Authority.

Reason: In the interests of the amenities of adjoining occupiers.

39. 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.

40. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried on only between the hours of 08:00 to 23:00 Mondays to Saturdays and between the hours of 09:00 to 21:00 on Sundays and Public Holidays.

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

41. Commercial deliveries to and collections from the building shall be carried out only between the hours of 08:00 and 23:00 hours Monday to Saturday and not on Sundays and Public Holidays.

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

42. The Travel Plan shall be implemented in accordance with the details and timescales contained within it for the lifetime of the development.

Reason: In the interests of encouraging sustainable travel to the site.

43. The submitted/approved Servicing Management Plan (SMP) shall be operated for the lifetime of the development unless alternative agreement are approved by the Local Planning Authority.

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

Attention is Drawn to the Following Directives:

1. 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

2. As the Charles Street frontage projects into the public highway, you are required to contact (highways@sheffield.gov.uk; 0114 273 6677) in order to secure an over-sailing licence.
3. 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.

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

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

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

5. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
6. 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.

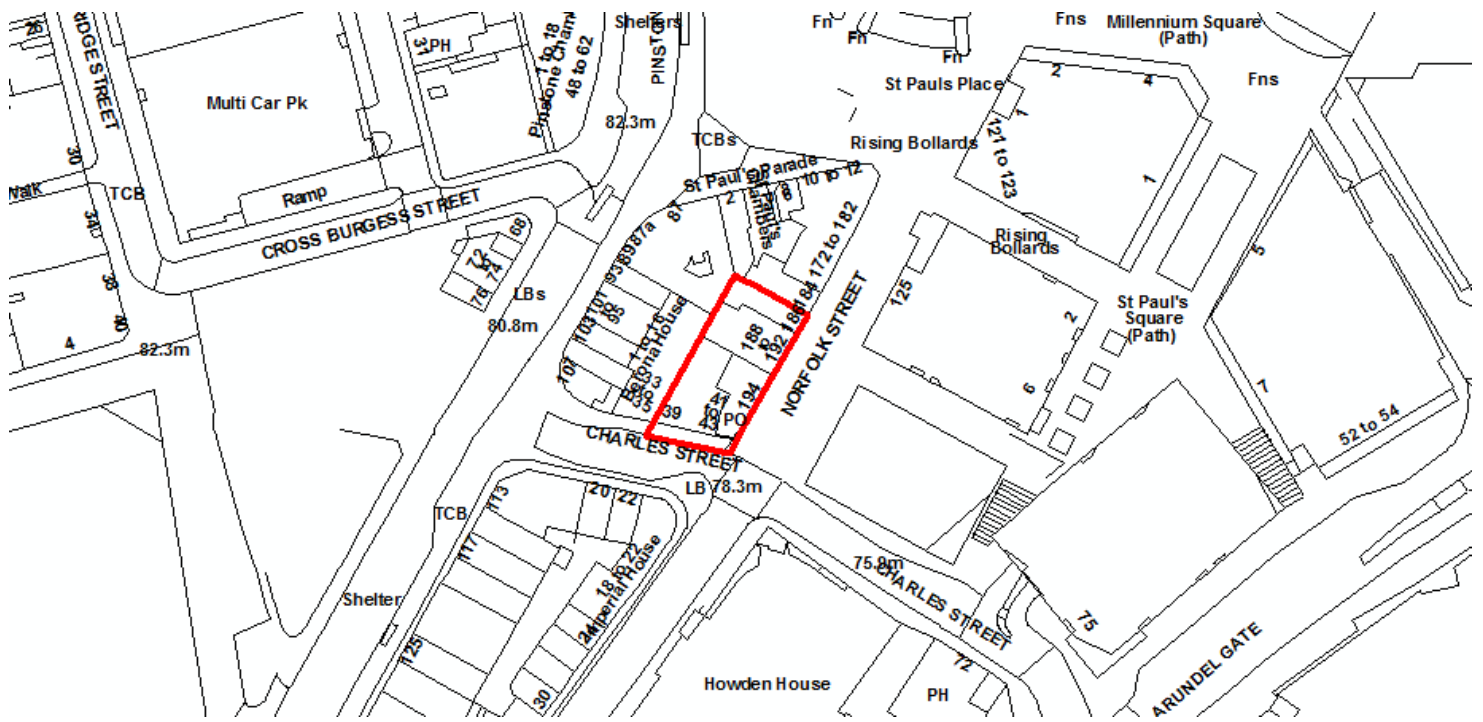
To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

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

7. 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.
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. For larger commercial kitchens or cooking types where odour and noise risk is higher, reference should be made to the updated guidance document; 'Control of odour and noise from commercial kitchen exhaust systems' (EMAQ; 05/09/2018). Appendix 2 of the document provides guidance on the information required to support a planning application for a commercial kitchen.

# Site Location



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## LOCATION AND PROPOSAL

The application site is in the heart of the City Centre and bounded by Norfolk Street to the east and Charles Street to the south. It forms part of a perimeter block that also faces on to St Paul's Parade and the Peace Gardens to the north and Pinstone Street to the west, with a central courtyard between. It is located within the City Centre Conservation Area.

The site is positioned at the Charles Street and Norfolk Street corner of the block and is occupied by 3-storey buildings formerly used for retail and office purposes and until recently used as a yoga studio. The existing buildings probably date from the 1950/60s and are of no architectural merit. The rest of the block comprises of heritage buildings including the grade II listed Prudential House to the north.

On the opposite side of Norfolk St there is the St Paul's Place development consisting of 3 contemporary office blocks from 8 to 11 storeys in height. Opposite the site on Charles Street there is 3-storey retail and office development dating from the 1950/60s and the 6/7 storey Howden House office block.

The application is seeking permission to demolish the existing buildings and replace them with a 7 storey building comprising of basement/ground floor retail uses (approximately 400m<sup>2</sup>) and grade A offices above (approximately 3176m<sup>2</sup>). The building will cover the whole footprint of the site and is to be a net zero carbon building with no car parking.

The retail unit is located on the corner of Charles Street and Norfolk Street with entrances on both frontages. The offices will be accessed from Norfolk Street with a lift core, bike, and bin stores on the ground floor.

The application originally proposed a 10-storey building but, following negotiations, has been reduced in scale to 7 storeys. It is faced in anodised aluminium cladding and curtain wall glazing on the upper floors and natural red sandstone columns, framing double height glazed openings on the ground floor. The footprint follows the existing buildings except on the Charles Street/Norfolk Street corner where a glazed cantilevered curved corner is proposed for the upper floors. The rear elevation is more solid with glazing commencing at fifth floor level and a full height green wall on to the courtyard facing Berona House. The north elevation facing St Paul's Parade and the Peace Gardens adopts the same design language of anodised frame and curtain wall glazing from the fifth floor upwards with red brickwork and a living wall below.

## SUMMARY OF REPRESENTATIONS

Historic England (HE)

HE has commented on the original proposals and the amended scheme.

They consider the buildings that occupy the site are of no particular historic or architectural interest but note that their scale and composition fit well with this part of the urban block. They have no objection to the replacement of the buildings.



Their comments on the original proposals are that the proposed tower on the application site would be at odds with the overall massing of the block and detrimental to the prominence of the listed building and adjoining non-designated heritage assets. They say that the development would introduce a strong imbalance in the urban form and streetscape and would challenge Blocks B and C as gateways to the Heart of the City II (HoCII) area. Ideally the height should be no greater than the listed former Prudential Assurance Building in the same block, so its prominence is not challenged and certainly no higher than the seven storeys of Blocks B and C.

They considered the original design to be out of context with this location and the historic surroundings and that it bore no relation to its historic neighbours in terms of the established height and cornices nor the proportion of windows. They felt that the two upper floors being taller than average created an awkward relationship with its neighbours and that the cantilever elements would appear at odds with the simplicity of St Pauls Place. The squarish proportions of the metal frame encasing two floors would sit uncomfortably with its neighbours both in views from the Peace Gardens and Charles Street.

They concluded that the previous design by virtue of its height, massing and appearance, failed to preserve or enhance the character of the conservation area. As there was no justification for the proposed height and approach, and less harmful alternatives are possible, they could not support the proposal in that form. They advised that these concerns needed to be addressed for the proposal to meet the requirements of paragraphs 192 and 200 of the NPPF.

Following revisions to the scale and design of the scheme HE amended their comments. They remain supportive of a sustainable redevelopment of the plot and the reduction in the scale of the scheme. They note that the staggered massing is more successful and the glazed bay abutting St Paul's Chambers is an improvement. However, they consider the building fails to complement this asset.

They also consider that the revised design still fails to respect its immediate context and its scale is still more than the existing building and historic neighbours.

They consider the building would be an over prominent element within the block and would dominate a number of important local views. They argue that the design fails to compliment the area's rich heritage and does not provide a contextually sympathetic response to the local character and history. They say that the curved corner jars with the more rectangular proportions of the design and results in a disjointed appearance with an awkwardly placed pilaster to the centre of this prominent corner eroding the benefits of the active shopfront. They consider the two-storey shopfront is visually disconnected from the upper portion of the development and feel this is accentuated by the cantilever. They consider the western most portion of the south elevation creates the most jarring opposition to the red brick façade of Berona House.

They consider the success of the scheme will depend largely on the quality of finishes and workmanship and this should be controlled through planning

conditions.

On balance, they are of the opinion that the scheme would cause some level of harm to the conservation area owing to the scale, mass and appearance of the development. They conclude that the harm would be less than substantial, but nonetheless material.

They say that if the Council is minded to approve the application in its current form, it should be satisfied that the public benefits of the proposal outweigh the harm to the conservation area. It should make sure that any harm is minimised and mitigated as far as possible.

#### Conservation Advisory Group

The Conservation Advisory Group considered the original proposal wholly unacceptable in its height and massing and would do demonstrable harm to the conservation area. It does not establish a proper relationship with the other buildings in the block and would be detrimental to the view from the Peace Gardens. There was no economic viability argument offered for the height, and the argument that it formed a transition with the higher block on the east side of Union Street does not justify the harmful impact on the block of which it would be part.

The Group considered the revised proposals at its meeting on 15 December and while the Group recognised the applicant had reduced the height of the building from the original proposal, members did not consider that in its revised form the proposal preserves or enhances the Conservation Area. The block bounded by Charles Street, Norfolk Street and the Peace Gardens is part of a nineteenth century improvement whose culminating feature is the Town Hall, with other buildings subordinate to it. A 7-storey block would adversely affect that relationship. Members also did not regard the metal cladding as appropriate in this location.

#### Hallamshire Historic Buildings (HHB)

HHB consider the design and particularly the height is unsympathetic to the character of the area and will harm the character and appearance of the City Centre Conservation Area and the setting of nearby listed buildings.

They draw attention to the advice in the Urban Design Compendium (UDC) regarding street enclosure ratios and say that if the guidance were followed for Norfolk Street the building would need to be reduced to 6 storeys or less. It is pointed out that the UDC says that within the Conservation Area new buildings should reflect the height of adjoining buildings which is mostly 2-5 storeys. Core Strategy policy CS74 requires development to respect the townscape character and its associated scale. They consider the scale in this case is set by the block containing the development site.

They object to the design saying the floors levels and window proportions do not relate to those of the adjacent historic buildings and do not respond to downward stepping character of Sheffield streets.

They argue the canted window projections jar with the adjacent buildings, disrupt the building line and give unwanted emphasis to an unimportant corner. By not responding to local character, they argue that the development is contrary to the development plan, NPPF and National Design Guide policies.

They argue that there is no justification for treating part of the block in a way which is connected with the undesignated office buildings on the opposite side of the street.

The disproportionate scale and lack of sympathy with the historic built form, style, materials or architectural detail means that the building will neither preserve nor enhance the character and appearance of the area, and so is contrary to S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

They argue the Grade I listed Town Hall is intended to be the dominant feature in the townscape and the scale and proportion of the existing buildings preserves its historic setting. The Grade II listed Prudential building is subservient to the Town Hall and the scale of the other buildings in this block contributes to the significance of this building. The construction of a 7-storey building will harm the setting of both listed buildings meaning that the development will not preserve the setting and is contrary to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The NPPF requires any harm to designated heritage assets to be clearly and convincingly justified by public benefit and the benefit must outweigh the harm. Hallamshire Historic Buildings consider the public benefit of office accommodation does not justify the harm that would result. Similar benefits could be achieved from a smaller scale and more sympathetic design.

Policy BE11 requires public spaces to be protected and enhanced where they make an important contribution to the character and appearance of the area. The Peace Gardens is listed under this policy. The north elevation is visible from the Peace Gardens. The stepping back creates a chaotic effect, the large areas of glazing are intrusive, and the geometry draws attention to a building which will detract from a view currently characterised by aesthetically pleasing historic buildings whose scale complements the gardens.

#### Other comments

125 representations have been received in response to the initial consultation exercise. All are objections except one which supports the innovative design which will, in the opinion of the writer, allow Sheffield to compete with the interesting modern architecture found in other cities. 18 of the objections are from residents within the same street block as the development.

The objections include one from Paul Blomfield MP who supports the residents impacted by the loss of light, overbearing nature of the development and who will be impacted during construction. He also supports the objections from the wider public regarding the impact on businesses and the environment.

The City Ward Councillors, Martin Phipps, Douglas Johnson and Ruth Mersereau objected to the impact on the loss of light on people working from home and the effect on their well-being. They consider the scale of the building is out of place with other buildings and will potentially create a wind tunnel effect on adjoining streets. They are opposed to the loss of privacy, particularly for residents of Berona House and consider that residents needs should be given weight. If permission is granted the impact of construction on residents must be considered.

Many of the objections are concerned with the impact of the development on the amenity of residents who face on to the courtyard space between the proposed development and the surrounding blocks, supported by the Residents Association for Sheffield City Centre (ChangingSheff). The objections relate to severe loss of light up to 90%, loss of sunlight/overshadowing to both dwellings and amenity space (which would be in shadow most of the day), leading to loss of well-being and the need for increased use of artificial light. There are objections due to the loss of skyline views and it is argued that a right to light assessment should be undertaken.

There is a feeling that the developer has ignored the Building Research Establishment Guidelines. Some residents have objected on the grounds that the development will appear overbearing for adjacent residents and because there will be a loss of privacy due overlooking from office windows. Concerns are raised about fumes from Browns being trapped in the courtyard due to its greater enclosure. It is also considered that there will be significant noise, dust and disruption for residents surround the courtyard during demolition and construction. Concerns have also been raised about light pollution from office windows at night and noise from air conditioning units. The consequence of these impacts on residential amenity would be to deter people from considering living in the City Centre. Suggestions to reduce the impact include reducing the scale of the building and stepping back the footprint on the upper floors as per the existing building.

Whilst some comments supported the principle of the redevelopment of the site another main theme of the objections is that the height and design of the building is out of keeping with the context/adjoining heritage buildings and with the conservation area. It is felt by some that the development will impact negatively on the setting of listed buildings. Many consider the scheme is a poor modern design that needs to blend in better with the heritage buildings utilising traditional materials. It is stated that the building will have a harmful impact on the skyline and that the development should be reduced in scale in line with the Prudential building. It is also argued that the development will create enclosed alleyway streets, detrimental to public safety.

The majority of the objections are from people connected with the Unity Yoga studio that occupied one of the application buildings at the time when the application was submitted. These objections focus on the negative impact on the users of the studio and the City Centre due to the loss of an important community resource which adds to variety in the City Centre and aids well-being. Some of the comments focus on the need to provide space for independent businesses in the City Centre and that knocking down buildings rather than refurbishing them is at

odds with climate change objectives. Some suggest that the existing buildings are outstanding examples of buildings of the period with many original features. Concerns are raised about loss of employment in businesses that occupy the site and that these businesses were not informed by the applicant about the plans for redevelopment.

Another widely held view among objectors is that there is no need for additional office/retail space, that there is a surplus of such space particularly given the increased working from home. That the developer is unlikely to acquire occupiers and the space will end up vacant.

Other less frequent comments include:

- Support for the aspiration to create a zero energy and carbon neutral development but some considered that this is just green washing.
- Fire escapes need to be protected.
- The development will increase the pressure on parking in the area.

Everyone consulted on the original scheme or who made representations was reconsulted on the amended scheme. This was not strictly necessary as the amended scheme is significantly reduced and has a lesser impact than the original. 21 objections have been submitted in response to the amended scheme including from Hallamshire Historic Buildings and the Residents Association for the City Centre. Two neighbours who objected twice are included with the above number. Most of the representations are from neighbours of the existing flats surrounding the courtyard.

For the local residents who have responded there is a general consensus that there has been no significant change or that the scheme does not go far enough in terms of reducing the impact of loss of light, privacy and impact of overshadowing and overbearing scale on the communal courtyard that serves St Paul's Chambers.

The scheme will still be oppressive and have serious impact on the wellbeing of residents and will be contrary to human rights. It is commented that the development is in breach of the BRE regulations, and these should not be dismissed just because this is a city centre location. Residents draw attention to a 90% loss of light and the building being only 10m from the rear elevation of St Paul's Chambers. One resident observed that the courtyard amenity space is used regularly in Spring and Summer for eating meals, having drinks and socialising.

Members are requested to visit the site before determining the application. It is argued that if permission is granted corporate needs will have been put before existing residents who have chosen to live in the City Centre. Affected residents are also concerned about noise and disturbance during the construction period.

There are concerns that the living wall may not be successful, about who will maintain it and that it may attract vermin.

Previous comments are reiterated that the scale and design of amended scheme is still out of character with the surroundings, conservation area and listed buildings.

Comments include, that the design is too brutal and industrial and the join between the building and St Paul's Chambers is poor.

Comments were reiterated about the lack of need for offices, that the retail units will suffer from low footfall and the existing building should be refurbished, that the development will devalue existing flats.

Some residents felt they should be given more time to respond to the amended scheme.

## PLANNING ASSESSMENT

### Policy

The site lies within the Retail Core of the Central Shopping Area. Policy S2 says that on ground floor frontages new retail and complementary uses which add to the vitality and viability of the Central Shopping Area will be encouraged. Outside the Fargate Area this means that shops are preferred and offices used by the public, food and drink outlets and amusement centres are acceptable with all other uses being unacceptable. In the Central Shopping Area other than on the ground floor frontages offices are acceptable along with a range of other uses (Policy S3).

Office uses now fall within Class E which includes a range of uses such as shops, cafes, restaurants, offices used by the public, professional services and other uses such as indoor sport and recreation, medical services, nursery, research and development and light industry. The E class of uses are considered to meet the requirement in Policy S2 as they would add to the vitality and viability of the City Centre.

Offices are acceptable on the upper floors and therefore the proposal is supported by Policy S3

Core Strategy Policy CS17a says the distinctive and fundamental roles of different 'quarters' of the City Centre will be consolidated and strengthened. The site lies within the Heart of City where shopping, office uses, civic uses, arts and cultural uses are appropriate. Policy CS3 promotes the City Centre as a location for office development and Policy CS4 identifies the Heart of the City for new large and high-density office development. The proposal is therefore supported by these Core Strategy policies.

The National Planning Policy Framework (NPPF) paragraph 81 says that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. As the development will support economic growth by delivering high quality business space the principle is supported by the NPPF.

Paragraph 86 says 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. It goes on to say that town centres should meet anticipated needs for retail, leisure, office, and other main town centre uses. The proposal will support the city centre role as a major centre for offices.

#### Demand for offices

Some of the representations state that there is no demand for additional offices particularly given the trend of increased working from home due to the Covid pandemic.

The applicant has submitted a Supply and Demand report from commercial property consultants. This makes the case that the site is very well located in terms of accessibility, prominence, and surrounding amenities.

Office take-up in 2020 was 28% less than the long-term average, although the total take-up in 2021 quarter 1 was in line with long term average take up figures. The average size of transaction reduced in 2020/21, one theory being that companies require smaller better-quality offices as companies adapt to home working. It is noted that larger companies have yet to decide on their future office requirements and that this is expected to convert to office take-up in early 2022.

The report notes that there is a relatively low supply of office accommodation across all grades and a specific lack of Grade A space in the city centre. It says that in Sheffield occupiers have little choice which prevents relocation and stifles growth. It is noted that grade A supply will increase next year due to schemes within the Digital Campus and HoCII due to be completed. However, it is expected that some of this space will be let before practical completion. The applicant has highlighted a report that went to the Council's Cabinet on 17.3.21 in relation to the West Bar Square development affirming a shortage of Grade A office space.

The report argues that there is now an appetite to return to the workplace. It says that some companies will increase office space and others cut back and the companies that rationalise space will look to take smaller spaces of better quality and that this will be important in attracting and retaining talent particularly younger people.

The report argues that the schemes coming forward are targeting larger floorplate occupiers with very few catering for smaller requirements.

The report describes the design considerations that are likely to be important for future offices for example, maximising external spaces, provision of active travel facilities, high energy performance, health and wellbeing and connectivity.

It argues that the scheme will meet occupiers future demands in terms of size, quality and credentials (environmental and wellbeing) and its timing will ensure the city benefits from a regular supply of future office development, to meet ongoing demand.

#### Heritage Policy

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In addition, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Paragraph 194 says that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 197 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 200 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 202 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 206 says 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.

UDP Policy BE15 'Areas and Buildings of Special Architectural or Historic Interest' says that buildings and areas of special architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced. Development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted

UDP Policy BE16 'Development in Conservation Areas' says permission will only be given for proposals which would preserve or enhance the character or appearance of the Conservation Area. These principles will also be material considerations in considering proposals which would affect the setting of a Conservation Area or significant views into, or out of, the Area. Redevelopment of sites which detract from a Conservation Area will be encouraged where it would enhance the character or appearance of the Area.

UDP Policy BE19 'Development Affecting Listed Buildings' 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.

### Significance of Heritage Assets Affected

The buildings to be demolished have no particular heritage significance. The heritage assets that have the potential to be affected by the new development are the Town Hall, Prudential Building, other character buildings in the same block and the City Centre Conservation Area. There is also the potential for archaeological interest to be affected by the building works.

The setting of the Grade I listed Town Hall is encompassed by the buildings along Surrey Street, Pinstone Street and the buildings across the Peace Gardens, including the Prudential Assurance Building, St Paul's Chambers which form part of the same block as the application site and the more contemporary buildings on the south east side of Norfolk Street. The Peace Gardens open space and the broadly contemporary buildings contribute positively to the Town Hall's heritage interest by allowing its civic importance, and architectural and historic interest to be appreciated in the context of similar period buildings.

The Grade II Listed Prudential Building is a late 19<sup>th</sup> century ornate red sandstone building with an interesting roof scape. Its setting is defined by the adjacent broadly contemporary buildings. Its increased scale gives it prominence within the block and at the corner of the Peace Gardens and the Pinstone Street. The similar period buildings on the opposite side of Pinstone Street and within the same block contribute positively to its setting allowing its historic and architectural interest to be appreciated within the 19<sup>th</sup> century townscape.

The non-designated heritage assets of St Paul's Chambers and Berona House derive their significance from their architectural interest and their visual cohesion as part of 19<sup>th</sup> century townscape contributing positively to the setting of the listed buildings and the character of the conservation area.

The City Centre Conservation Area includes a large part of the grand Victorian architecture which exists in the centre, defining the growth Sheffield experienced through the second half of the 19<sup>th</sup> century. The site is at the southern end of the conservation area where it abuts the larger scale contemporary development surrounding St Paul's Place. The whole of the block of which the application site is part, except for the application site, is identified as either unlisted buildings that contribute to the character of the conservation area or listed buildings. The Conservation Area Statement of Special Interest says that the visual cohesion of the townscape of the Conservation Area depends on the combination of characteristics, particularly the density of the streets and buildings, the fairly consistent height of buildings and the use of local sandstone or red brick building materials. It says that buildings are predominantly no more than four storeys to eaves lines and that this homogeneity of scale has allowed functionally important buildings to stand out as landmarks such as the towers of the Town Hall. It says that gables, towers, turrets, chimneys and balustraded parapets all add to the interest of the townscape.

The potential archaeological interest relates to former buildings from the early 19th century and from the early 20th century which may contribute to the understanding of the post-medieval and 19th century development of Sheffield at a local level.

#### Assessment of Heritage Impact

The buildings to be demolished are of no special heritage interest and therefore their loss will not detrimentally affect the significance of heritage assets.

The setting of the Town Hall is enhanced by the 19th century buildings on Pinstone Street and the by the Prudential Assurance Building plus non-designated heritage assets within the application block. The proposed development will closely adjoin the rear of these buildings. The revised scheme is significantly reduced in height so that it is a similar height to the chimneys of the Prudential Assurance building. Whilst the upper part of building will be evident in views from the Peace Gardens it will assimilate much more successfully with its surroundings. Given this and that the context of the Town Hall also incorporates the much taller buildings of St Paul's Place it is considered that the proposal will not have an adverse impact on the setting of the Town Hall.

The significance of the grade II listed Prudential Assurance Building is enhanced by its dominance at the corner of the Peace Gardens and the point where Pinstone Street bends south-west. This allows the architectural interest including the varied roof profile to be fully appreciated. The proposed development closely adjoins the rear of the listed building. The reduced height of the amended scheme means that it is now of a similar height to the chimneys of the listed building. Whilst there will be some interference with the view of the interesting roofscape because of the office building becoming a backcloth to the listed building in views from Pinstone Street to the north, the impact on the setting of the building will be minor negative.

The impact of the development on the non-designated heritage asset of St Paul's Parade from the Peace Gardens should be given lesser weight given that it is a non-designated heritage asset. This building complements Prudential House and creates a strong frontage of historic 19th century building defining the southern edge of the Peace Gardens open space. The proposed building will closely adjoin the rear of this building and will be seen over the top of it in views from the Peace Gardens. However, given the reduced scale and improved design of the amended scheme and the proximity of taller buildings on St Paul's Place it is considered that the proposal will not adversely affect the significance of this non-designated heritage asset from this viewpoint.

The proposed building abuts St Paul's Chambers and Berona House on the Norfolk Street and Charles Street frontages. These buildings are three to four storeys high, faced in traditional materials and St Paul's Chambers is characterised by rich detailing. The massing of these buildings is broken down by bays and stepped levels. These are the buildings which most closely define the context for the development. Whilst the modern taller development on the east side of Norfolk Street also provides context it is secondary to the attached 19th century buildings within the same block as the application site.

The existing buildings to be demolished do not enhance the setting of these non-designated heritage assets.

Whilst the scale of the amend scheme is taller than the attached buildings its design provides an acceptable transition in scale. The lower glazed link attached to St Paul's Chambers and the more solid framed elements of the façade help to create a visual stepping down in the scale towards the attached heritage buildings. The solid and lighter weight elements of the façade also break up the massing of the building so that it is more sympathetic to the rhythm of the buildings within the conservation area. It also references the traditional architecture of the heritage buildings in a contemporary way with the stone columns and large window openings at ground floor level and the vertical proportions of the framed openings. In this way it provides a successful transition between the traditional and contemporary architecture in the surrounding buildings.

The block which the site forms part of is (except for the application buildings) a visually cohesive block of heritage buildings which make an important positive contribution to the character of the conservation area. Whilst the buildings to be demolished do not make a positive contribution to the character of the conservation area their scale is sympathetic to the heritage buildings and they are mildly mannered. This does not mean that the new building needs to be of a traditional design and match the scale of the attached buildings. There is a case for marking the Norfolk Street and Charles Street corner with increased scale and the amended scheme does this whilst not creating a too severe difference in scale that it overwhelms the adjoining heritage buildings. The high-quality contemporary design that incorporates design references that respond to the character of the conservation area will in your officers' view largely preserve the character of the conservation area.

It is accepted that there is no evidence to suggest that the below ground archaeological interest will be so significant that it would preclude the redevelopment of this site as proposed. A condition will ensure that any archaeological interest is properly investigated as part the site redevelopment.

#### Heritage Impact Conclusion

The proposed development will not harm the setting and significance of the Town Hall although it will have a minor harmful impact on the setting of Prudential House and reduce the prominence of the non-designated assets of Berona House and St Paul's Chambers in the street scene, thereby having a minor harmful impact on the character of the conservation area. It will replace tired buildings of no special townscape of heritage merit with a higher quality building which will enhance the appearance of this site within the conservation area.

The impact on the setting of Prudential House and the character of the conservation area is considered to be at the lower end of less than substantial, such that national policy requires there to be a clear and convincing justification for the heritage harm and any harm needs to be weighed against the public benefits of the proposal (paragraphs 200 and 202 of the NPPF).

In this case the site is small, and it is likely that a smaller development will be unviable. The primary public benefits consist of the following:

- the provision of a highly efficient net zero carbon building with sustainability credentials in excess of the standards required by the Council's sustainable design policies.
- the provision of Grade A office space of which there is a low supply, which will support the local economy (albeit there is some uncertainty about the future demand for offices in the city centre in the light of the Covid pandemic).
- the provision of a high travel generating use in a highly sustainable location able to benefit from sustainable travel modes and linked trips which will help to reduce carbon emissions and support shopping and leisure uses in the City Centre.
- employment benefits during the construction phase and potentially from office employment.
- the high-quality design will also improve the appearance of the site.

These benefits are significant, and it is concluded that there is a clear and convincing justification for the less than substantial harm to the setting of Prudential House and conservation area and that the public benefits of the proposal outweigh the heritage harm. Therefore, it is concluded that the proposal is consistent with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and with the NPPF and Unitary Development Plan heritage policies.

### Design Issues

Core Strategy Policy CS74 is concerned with design principles. It says that High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including:

- c. the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials;
- d. the distinctive heritage of the city, particularly the buildings and settlement forms associated with:
  - i. the metal trades (including workshops, mills and board schools)
  - ii. the City Centre
  - iii. Victorian, Edwardian and Garden City suburbs
  - iv. historic village centres and the city's rural setting.

Development should also:

- e. contribute to place-making, be of a high quality, that contributes to a healthy, safe and sustainable environment, that promotes the city's transformation;

- f. help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- g. enable all people to gain access safely and conveniently, providing, in particular, for the needs of families and children, and of disabled people and older people;
- h. contribute towards creating attractive, sustainable and successful neighbourhoods.

UDP Policy BE5 is concerned with building design and siting. It says the use of good design and use of good quality materials will be expected in all new and refurbished buildings and extensions. The following principles will apply:

#### Physical Design

- (a) original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings;
- (d) in all new developments, design should be on a human scale wherever possible, and, particularly in large-scale developments, the materials should be varied and the overall mass of buildings broken down;
- (e) special architectural treatment should be given to corner sites in order to create a lively and interesting environment;
- (g) the design, orientation and layout of developments should encourage the conservation of energy and other natural resources.

#### User Requirements

- (h) the design of buildings, landscaping and lighting should promote all aspects of personal safety and security, particularly at night time;
- (i) designs should meet the needs of users, particularly people with disabilities, elderly people, people with children, and women;

Policy BE11 is concerned with public spaces and says that public spaces will be protected and enhanced where they make an important contribution to the character or appearance of an area or provide spaces for people to walk or relax.

Development within or adjacent to the following Public Spaces will only be permitted where it would respect:

- (a) The character of the space in terms of function, scale proportions and views;  
and
- (b) The contribution surrounding buildings make to the character of the space in terms of scale, massing and proportions.

The Peace Gardens is one of the identified spaces.

Paragraph 126 of the NPPF says that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 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.

The applicant argues the scale and design of the building creates an appropriate transition between the large-scale contemporary buildings of St Paul's Place and the smaller scale heritage buildings on the site. They consider the scale is justified in responding to the established increasing scale of St Paul's Place as it moves away from the Peace Gardens whilst stepping down from the height of 3 St Paul's Place opposite. They also refer to the key junction of Charles Street and Norfolk Street and the existing important buildings around the junction along with the desire to create a dramatic architectural statement at this location. They consider the principle of building taller buildings behind lower historical ones has been established by the HoC II Blocks B and C on Pinstone Street. They argue that the design provides a suitable intermediary between the more complex facades of the heritage buildings and simpler facades of St Paul's Parade thereby providing an appropriate neighbour for the heritage buildings.

The design and access statement explains how the design has responded to the local context by designing floor levels with St Paul's Parade and stepping down with the topography where possible. The façade design has provided references to bays of St Paul's Chambers and the windows and of St Paul's Chambers and the Prudential Assurance building which are reflected in the rhythm of the new building. The double height glazing to the lower two floors expresses the common typology found throughout St Paul's Place and the colour of materials has been designed to complement the heritage buildings around it with the lighter tones at higher levels responding to the colour gradient on the heritage buildings.

The existing buildings are 3 storeys high and match, or are of lesser scale, than the other heritage buildings that make up the block. They are faced in dark grey brickwork, tiles, stone, concrete and metal cladding with a 1950/60s design character. There is a strong horizontality to the design which contrasts with the heritage buildings in the same block. There are shopfronts on the ground floor.

They do not complement the conservation area although they are unassuming.

The proposed development maintains the existing back edge of pavement development but increases the scale from 3 to 7 storeys. Whilst the scale of development has increased it is considered that the amended design no longer overwhelms the adjoining heritage buildings and is appropriate to this corner site and consistent with the increasing scale and density within the city centre. It is a contemporary design faced in high quality materials which is consistent with design policies which encourage original architecture. The architecture is simpler and utilises more modern materials than the heavier more ornate heritage buildings within the same block and consequently is more in keeping with the modern taller buildings of St Paul's Place opposite the site. However, it also responds to the adjacent heritage buildings by incorporating stone columns and large glazed openings on the ground floor with a similar rhythm to St Paul's Parade. The façade design has a stronger vertical emphasis which is more characteristic of the conservation area and the glazed areas and anodised aluminium framework breaks up the massing and picks up on the finer grain of plot widths within the conservation area whilst also providing a response to the floor levels of attached buildings.

The increase in height and curved cantilevered glazing at the Norfolk Street and Charles Street corner will help to mark the corner and create a sense of place whilst providing a more comfortable transition to the taller buildings opposite. Design policies support special treatment at corners and architecture that transforms environments lacking distinctiveness, which this scheme will deliver.

The ground floor design incorporates substantial areas of glazing and uses that will create an active and welcoming frontage which will help to promote a safe environment.

The design and materials are high quality and the scale and design strike a reasonable balance between respecting existing character and delivering a contemporary design which will contribute positively to the streetscape. It is concluded that scale and design is consistent with the key design policies outlined above.

### Residential Amenity

The National Planning Practice Guidance 'Effective Use of Land' says "where a planning application is submitted, local planning authorities will need to consider whether the proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, as well as assessing whether daylight and sunlight within the development itself will provide satisfactory living conditions for future occupants."

It also asks the question "What are the wider planning considerations in assessing appropriate levels of sunlight and daylight?" It provides the following guidance in relation to this: "All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well

as its detailed design. For example, in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings.” Therefore, it is accepted in national planning guidance that lower daylight and sunlight levels at some windows may be acceptable if new developments are to be in keeping with their surroundings.

The original scheme has been reduced by 3 storeys following negotiations; the new windows overlooking the courtyard are positioned higher in the elevations in order to reduce direct overlooking and living walls have been designed into the scheme to create a more pleasant outlook for residents looking towards the building’s courtyard elevations.

The application site is located at the south-east corner of a perimeter block. The internal courtyard space between these buildings provides outlook and natural light along with some limited outdoor space for the residents of the adjoining perimeter blocks surrounding the courtyard.

The upper floors of all of the buildings within the same block except the application site have been converted to flats. Objections have been received from residents on the basis of overlooking/loss of privacy, loss of light/sunlight and loss of outlook.

Berona House is situated on the south-west corner of the block with frontages to Pinstone Street and Charles Street. There are flats across 3 floors of which 3 face south-east towards the site and 3 face north, perpendicular to the site. They all have bedrooms and combined living rooms and kitchen/dining areas that face into the courtyard. The ones facing towards the site have small balconies. The ones perpendicular to the site that serve living/dining kitchen space have windows facing on to Charles Street as well as the courtyard.

St Pauls Chambers is located at the north-east corner of the block with frontages to St Paul’s Parade and Norfolk Street. There are flats across 3 floors with 8 units that have habitable room windows facing on to the courtyard. There are both combined living/dining/kitchens and bedrooms facing on to the courtyard. The combined living/dining/kitchens have windows facing on to the street as well as the courtyard. Those units in the Norfolk Street block do not look towards the site as they are orientated north-west. Those in the St Paul’s Parade block face south-east towards the site and the Norfolk Street wing of the building.

The Prudential Assurance Building is located at the north-west corner of the block and has frontages to St Paul’s Parade and Pinstone Street with a rear wing extending back into the courtyard. Of the flats facing into the courtyard those in the rear wing face north-east away from the site and contain kitchen/dining/living room windows. The flats in the rear elevation of the main building contain bedroom windows which face south-east towards the site and also towards the existing rear wing of the Prudential building which is much closer than the proposed building. Some of the plans are missing from the planning application file so it is assumed that the first floor layout is replicated on the upper floors.



## Amenity Impact

Residents living in a dense city centre cannot expect the same level of amenity as those living in suburban locations. Lower privacy distances, less private amenity space, reduced outlook and greater overshadowing are frequently accepted to achieve townscape objectives and more density in highly sustainable locations. Indeed, within the existing blocks surrounding the courtyard there are substandard outlook distances between existing flats. Balanced judgements need to be made, weighing the overall benefits of the scheme against harmful amenity impacts. Relationships which may be acceptable to allow for re-use of an existing building may not be acceptable for a new build scheme.

## Privacy

The existing building has first and second floor office type windows that face into the courtyard. The distance between the new building and Berona House flats is reduced by 4 to 5 metres as the new building extends its floor plate at upper floor levels.

In terms of Berona House, a green wall is proposed over a substantial part of the lower floors facing the courtyard such that directly facing windows do not arise until levels 5 to 7 which helps to reduce the overlooking to windows in Berona House. At level 5 or above the distance between these will be at least 12 metres. Some of the windows will be above the level of the Berona House windows so natural outlook direction from the offices will be over the top of Berona House. Whilst office occupants would still be able to look down to the flats, their main aspect would be over the top of the flats. In terms of Berona House the number of facing windows will be reduced significantly at lower levels but windows will be introduced at higher levels and the distance between the two facades will be reduced. Overall, it is considered that privacy for the impacted flats within Berona House will be improved. Members should note that in other high-rise developments in the city centre, 12 metre outlook distances have been accepted both between courtyard windows and across the street.

For Prudential House the distance between the new building and the existing flats is reduced. The windows facing towards the flats start at level 7 but these are to be obscure glazed so there will be no increase in overlooking.

In terms of St Paul's Chambers, as the new building has windows on the north-east elevation at 4<sup>th</sup> floor level and above there would be increased overlooking of the bedroom, kitchen and living room areas across a minimum distance of approximately 10 metres but generally 12 metres or more. However, a condition is proposed that the windows at floors 4 and 5 are obscure glazed which would mean that office occupiers would need to actively look down from floor 6 to look into windows or on to the amenity space.

## Loss of light

A daylight and sunlight assessment has been submitted in support of the application. A technical analysis has been undertaken using the Building Research

Establishment Guidelines entitled 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice. The applicant's consultants conclude that the surrounding residential properties will exhibit acceptable levels of daylight and sunlight with the development in place.

The applicant points out that the guidelines are not mandatory and that the guide recommends a more contextual approach and setting alternative target values for city centres, urban environments and historic locations. They also say that it is well established that the guidelines are based on low rise suburban development.

The National Planning Policy Practice Guidance under the Effective Use of Land says that where a planning application is submitted, local planning authorities will need to consider whether the proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, as well as assessing whether daylight and sunlight within the development itself will provide satisfactory living conditions for future occupants.

It goes on to say that all developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design. For example, in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings.

The guidelines include two methods for assessing daylight and one for sunlight. Daylight is assessed by the Vertical Sky Component (VSC) and the No Sky Line (NSL). Sunlight is assessed by the Annual Probable Sunlight Hours (APSH).

VSC gives an assessment of how much of the sky is unobstructed from an outward facing window. The guidelines have a 27% VSC target which is based on a suburban type environment. The diffuse daylighting may be affected if the VSC is less than 27% or less than 0.8 times its former value. The applicant's consultant points out that the Greater London Authority produced a report in 2013 which is largely in agreement with the guidance but states that in an inner city urban environment VSC values in excess of 20% should be considered as reasonably good and that VSC in the mid-teens should be acceptable.

The NSL methodology is a measure of the distribution of daylight on a desktop plane within a room. If a significant part of the working plane (normally more than 20%) receives no direct skylight then the distribution of daylight in the room will be poor and supplementary electric light may be required. The guideline says that daylight may be adversely affected if the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.

APSH provides a percentage of the annual probable sunlight hours for the whole year and for the winter period. The most important rooms are living rooms whilst kitchens and bedrooms are less important. The guidance says that a window may be adversely affected if a point at the centre of the window receives:

- Less than 25% of the APSH during the whole year, of which 5% APSH must be in the winter period; and
- Receives less than 0.8 times its former sunlight hours in either time period; and
- Has a reduction in sunlight for the whole year more than 4% APSH.

In terms of overshadowing of amenity areas, the BRE guidelines provides two methods of calculation.

Sun on the ground identifies areas that receive direct sunlight. The guidelines recommend that at least half of an amenity space should receive at least 2 hours of direct sunlight on March 21<sup>st</sup>. For existing spaces where the sunlit area is less than half of the area, the area which receives 2 hours of sunlight should not be reduced by more than 20% (it should retain 0.8 times its former value).

The second method is transient overshadowing where a shadow plan is produced for different times of the day and year.

21<sup>st</sup> March (spring equinox)  
 21<sup>st</sup> June (summer solstice)  
 21<sup>st</sup> December (winter solstice)

For each of these days the overshadowing is calculated at hourly intervals. Professional judgement is required to compare the shadow resulting from the proposed development with the existing situation.

Berona House

The results show  
 24 of the 33 windows do not meet the VSC guidance  
 12 of the 15 rooms do not meet the NSL guidance  
 3 of the 13 windows do not meet the APSH guidance

The report says that 11 of the windows which do not meet the criteria for VSC daylight, and eight of the rooms which do not meet the NSL daylight criteria, are bedrooms, which are considered to have a lesser requirement for daylight by the BRE. This means that 13 windows serving living kitchen diners do not meet the BRE criteria for VSC daylight, and four living kitchen diners do not meet the criteria for NSL. They also undertake a further Average Daylight Factor assessment which is a significantly more detailed method of daylight assessment. Of the 15 rooms assessed for ADF, 12 will meet or be within 20% of the BRE target criteria. The baseline ADF figures for the rooms which do not meet the criteria are low, and none currently meet the ADF criteria, which places a significant burden on the development site to maintain already poor daylight levels.

The Greater London Authority guidance says that for an inner-city urban environment VSC values in the mid-teens should be acceptable.

There are 6 flats in Berona House for which the light and sunlight will be affected by the development. It is accepted that daylight and sunlight is less important for

bedrooms as most time is spent in these rooms in the hours of darkness and sleeping. The main concern in terms of loss of light and sunlight should be in respect of the living/kit/dining rooms. In Berona House all of these rooms are served by more than one window.

Of the 6 living/kit/dining rooms affected 3 are in the south-west corner of the building all of which are served by windows facing on to Charles Street (which will not be affected) as well as windows facing into the courtyard. The courtyard windows for these rooms will see VSC levels reduced from good or acceptable (in terms of the GLC guidelines) to below these levels. In terms of NSL there will be reductions, but they are categorised as not noticeable for 2 rooms and minor for the other.

The 3 other living/kitchen/diners have south-east windows which only face into the courtyard. For 2 of these rooms the VSC are already well below what is defined as acceptable under the GLC guidance and will see further reductions. The other room is reduced from acceptable levels to less than this. These 3 living/kitchen/diners will also suffer from reductions in NSL which are categorised as major. 2 of the 3 units will receive reduced sunlight which does not comply with the APSH guidelines; however the reductions are small as these rooms already receive few sunlight hours.

#### Prudential House

The results show:

16 of the 29 windows do not meet the VSC guidance

6 of the 11 rooms do not meet the NSL guidance

BRE suggests that all main living rooms which face within 90 degrees of due south should be assessed for APSH sunlight. None of the rooms in this property face within 90 degrees of due south and as such, an APSH sunlight assessment has not been undertaken.

The report says that all the rooms that do not meet the criteria for VSC and NSL daylight are bedrooms which have a lesser requirement for daylight. They also point out that that the VSC levels are already low without the development. Overall, taking into account the context, the design of the scheme, the rooms affected and the intended flexibility of BRE guidance the applicant's consultants consider the impact on daylight and sunlight to be acceptable.

The windows to the bedrooms that do not meet the VSC guidance have a reduction of lighting levels of more than 20% which the BRE guidance indicates will be noticeable. 14 of the 16 windows as existing have VSC lighting levels less than the mid-teens which is regarded as acceptable under the Greater London Authority (GLA). Only one bedroom window would have lighting levels reduced from an acceptable level under the GLA guidance to below this level under this guidance.

In terms of NSL, for most of rooms where lighting is reduced, the reduction only affects a small amount of the floor area. There are two bedrooms where the light levels would reduce below the guideline over a significant proportion of the floor

area.

Whilst the natural lighting levels are reduced the impacts are considered to be less significant than the other properties, particularly given that all the rooms affected are bedrooms where natural light is less critical.

### St Paul's Chambers

The results show:

11 of the 60 windows do not meet the VSC guidance

1 of 14 rooms do not meet the NSL guidance

12 of the 26 windows do not meet the APSH sunlight guidance

The report says that of the 11 windows which do not meet the VSC guidance 3 serve bedrooms. The VSC lighting level in one of these would still be considered acceptable under the GLC guidance and the other two have very low levels of lighting as existing so small reductions in lighting levels result in a noticeable percentage reduction. One of these bedrooms does not meet the criteria for NSL daylight which would lose all of its daylight on a working plane. The BRE guidance advises that bedrooms have a lesser requirement for daylight than principle habitable rooms.

The remaining 8 windows serve 4 living/kitchen/diners. Where more than one window serves each room the BRE guidance says that the mean VSC can be calculated. The mean figures are all above 20% which the GLA guidance advises should be considered reasonably good. All these living/kitchen/diners are through rooms that have windows on the street elevation as well as the courtyard elevations.

The report says of the 12 windows that do not meet that APSH guidance that the baseline levels are generally low, which places a high burden on the development site to maintain existing levels. In the worst case the two living/kitchen/diner windows facing on the courtyard for one flat will have overall annual sunlight hours reduced from 45 to 6 hours and 29 to 5 hours.

Overshadowing of amenity space.

There is a shared hard surfaced amenity space at first floor level of approximately 100m<sup>2</sup> to the rear of the St Paul's Chambers apartments. The method of overshadowing assessment uses the sun on ground indicator to determine the areas which receive direct sunlight and those which do not. The BRE guidelines recommend that at least half of an amenity space should receive at least 2 hours of direct sunlight on March 21st. Regarding existing spaces where the existing sunlit area is less than half of the area, the area which receives 2 hours of sunlight should not be reduced by more than 20% (it should retain 0.8 times its former value).

In the existing, pre-development scenario, the amenity area will receive 2 hours of sunlight to 32.50% of its area. With the proposed development in place, no part of

the amenity area will receive 2 hours of sunlight on March 21st.

The applicant's consultants have pointed out that the baseline sunlight levels are already below the 50% recommended and that any viable development which resulted in an increase in the height of the building would result in similar impacts. They also point out that the area which currently receives 2 hours of sunlight on the ground is in the north-east corner, a portion of which is staircases and thoroughfare. Therefore, the majority of the area which is most likely to be used as amenity space receives sunlight below the BRE target criteria in the existing and proposed scenarios and that the area is predominantly gravel rather than a seating area.

In your officers' view, the amenity area is mainly a space that residents pass through and enhances the setting of the flats. There is some evidence of seating but not in the area affected by loss of sunlight. There are other more attractive spaces close by in the city centre, although these are public rather than semi-private spaces. It is however still the case that both the loss of sunlight and scale of the new building will make the space less pleasant to use and pass through.

#### Outlook

As the office building will be 4 storeys higher than the existing building and the footprint of the development is deeper on the upper floors it will affect outlook from the rear facing windows of existing flats that face on to the courtyard. This is more of an issue for living spaces but less so for bedrooms which tend to be used in the hours of darkness and for sleeping.

Outlook will be affected by both the scale of the building and its appearance.

There are 3 flats in Berona House which have kitchen/living/dining rooms with small external balconies that are single aspect and face towards the site. There are also 3 flats with kitchen/living/dining rooms that are orientated at right angles to the site but are dual aspect with windows facing on to Charles Street and also into the courtyard. The new building will appear significantly more imposing from these properties due to its increased scale. However, these scale relationships are not uncommon in modern city centre development, for example across Norfolk Street between St Paul's Parade and the new office blocks. It is also relevant that occupiers currently look out on to an elevation containing multiple large office windows and banks of air conditioning units and external staircases which are visually unattractive. If the development is permitted, they will look out on to a green wall. Therefore, whilst the rear façade of the offices will be taller and closer, the officer view is that the appearance will be improved with less of a feeling of being overlooked. Given these considerations it is concluded that impact on outlook for these properties will be acceptable.

In terms of St Paul's Parade there are 4 flats with kitchen/living/dining room windows facing towards the site. These are all dual aspect rooms with primary windows facing on to the Peace Gardens. The hard surfaced amenity space to the rear of these units will also adjoin the proposed office building. The new building will be 4 storeys taller than the existing building and extends further into the site. It

will therefore appear significantly more imposing than the existing building both from the rear facing living space windows and from the amenity space. The lower levels of the elevation facing the flats and open space will comprise of a green wall with office windows above. The amenity space to rear of the flats is a gravel and paved flat roof area with plants in pots placed within the space. A couple of the first-floor flats have seating next to the space.

The new building will appear more imposing when viewed from the living spaces of the flats and this will have a negative amenity impact. However, the impact is not considered to be so severe as to justify resisting the application as these rooms will retain an exceptional outlook over the Peace Gardens to the front. Due to the greater depth and height of the new building the amenity space will feel much more enclosed and will lose afternoon sunlight as the office building will be positioned to the south-west of the space. Although it seems likely that the primary function of this amenity space is providing a pleasant setting for the flats with limited use for outdoor seating, the new building will reduce its attractiveness due to its scale and blocking effect on afternoon sun.

Prudential House has only bedrooms facing towards the site, the outlook from which is compromised to a greater degree by the existing rear wing to Prudential House.

#### Human Rights

Some residents' representations considered that the proposals were contrary to their human rights. When making its decision the Council must balance any likely private harm against the wider public good to ensure that interference with anyone's rights shall only be permitted if it is proportionate (the degree of harm to the individual balanced against the public interest). On this occasion it is the view of Officers that any interference is in accordance with the law and justified as being in the public interest and on the basis of the planning merits of the proposal. Any restriction on rights caused as a result of the proposed development is considered to be proportionate to the wider benefits of granting permission and that such a decision falls within the margin of discretion afforded to the Council.

#### Sustainable Development

The site is located in a highly sustainable position in the heart of the city centre where it is well served by public transport and there is a high propensity for linked trips with other City Centre uses.

The applicant is aiming for the first net-zero carbon building in Sheffield. There is no formal net zero certification process. The applicant is therefore proposing that this means a building which does not burn fossil fuel and is 100% powered by renewable energy, the best practical targets for embodied carbon are met (600 kgCO<sub>2</sub>/m<sup>2</sup>), any residual emissions are balanced by offset through a recognised offsetting framework. The building design minimises operational energy consumption and only low or zero carbon energy sources will be utilised. The building's embodied carbon impact will be minimised, and any outstanding emissions will be offset. Conditions are proposed to ensure these sustainability

benefits are delivered.

Policy CS65 requires new developments such as this to meet a minimum of 10% of their predicted energy needs from de-centralised and renewable or low carbon energy. It is the developer's intention to be connected to the District Heating System which is a low carbon energy source. They are also proposing to provide Photo Voltaic panels at roof level and a high efficiency electric chiller for building cooling, the developer has committed to purchase only 100% renewable energy for the building. The applicant has calculated that 43.9% of the predicted energy need will be met from de-centralised, renewable, or low carbon energy which is well in excess of the 10% policy requirement. The second part of Policy CS65 seeks to generate further renewable or low carbon energy or incorporate design measures sufficient to reduce the development's overall predicted carbon dioxide emissions by 20%. The applicant's predictions show that in this case the development will reduce carbon emissions by 39.7% compared to the 2013 building regulations.

The site is a brownfield site, and the office building is being targeted to achieve a BREEAM 'Excellent' rating. A pre-assessment has been submitted which shows the proposal is on target to achieve this rating. Core Strategy policy CS 64 requires new developments to achieve a BREEAM 'Very Good' rating and therefore the scheme will be in excess of the policy requirement.

#### Access Issues

The City's transport priorities are promoting choice by alternatives to the car, maximising accessibility, containing congestions levels, improving air quality, improving road safety and supporting economic objectives through demand management measures and sustainable travel initiatives.

Paragraph 111 of the NPPF says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112 says that first priority should be given to pedestrian and cycle movements and second to facilitating access to high quality public transport. Applications should address the needs of people with disabilities and reduced mobility and create places that are safe, secure and attractive. All developments which generate significant amounts of movement should be required to provide a travel plan.

The application site is in a highly accessible location and is well served by public transport, pedestrian and cycle facilities and close to a number of public car parks and car club facilities. Norfolk Street is a pedestrian zone except for permit holders and loading between 18.30 and 10.00. Access to the retail space will be from Charles Street and the office space will be accessed from Norfolk Street. The development will be car free and indeed there is no realistic way of providing off street parking without compromising the active frontage of the site. Cycle parking (consistent with council's cycle parking guidelines) and changing facilities are to be provided within the building. It is expected that most trips to the site will be by sustainable modes with car visitors utilising the public car parks. The proximity of shops and services to the site means that there is high likelihood that the



development will facilitate linked trips.

Although the floor space increases, it is expected that the increased demand for parking can be accommodated within existing public car parks.

A travel plan has been submitted in support of the application which incorporates the normal travel plan measures such as appointing a travel plan co-ordinator, promoting up to date travel information, offering personalised journey plans, encouraging occupiers to take part in the cycle to work scheme, and promoting car sharing. The travel plan sets targets for reducing the proportion of journeys by car.

The servicing for the retail space should not be significantly different from that required to serve the previous retail uses on the site. It is accepted that servicing movements associated with the development will have a negligible impact on the operation of the highway network. A Construction Environment Management Plan proposes wheel washing facilities to minimise the risk of mud being brought on to the highway. The construction traffic routing is proposed via Charles Street and exiting via Union Street on to Furnival Gate. It is intended to temporarily close off the cul-de-sac section of Charles Street in front of the site for a construction compound with all storage of plant and materials on site, given that there is no realistic alternative in this case.

The elevations show level entrances to the retail and office entrances together with lift access to the upper floors and disabled toilets therefore the development will provide for inclusive access.

The proposal is supported by the Development Plan and NPPF transport policies and will not have any significant highway or pedestrian safety impacts.

#### Noise/Dust

The applicant has undertaken a noise assessment which includes a noise survey to establish the existing noise climate. The internal noise climate for the offices has been assessed by modelling which incorporates assumptions about the design of the new office building, assuming windows are closed, and an alternative source of ventilation is provided. The results of this show that that the internal noise climate would be the Lowest Observed Adverse Effect. This is defined in the Noise Policy Statement for England as the level above which adverse effects on health and quality of life can be detected. The National Planning Practice Guidance says that where this noise level is established action should be taken to mitigate and reduce noise to a minimum.

In the light of this the Environmental Health Officer (EHO) has recommended conditions which require a scheme of noise insulation to be submitted to achieve appropriate internal noise levels and validation testing of this before the uses commence.

Noise from plant has the potential to cause dis-amenity for local residents living close by. The proposed Use Class allows for food and drink uses as well as office uses and there is the potential for cooking odours to cause dis-amenity for local

residents and office occupiers. There is also the potential for noise breakout from commercial uses and noise from deliveries. Given this the EHO has recommended conditions to control these potential impacts. No concerns have been raised by the EHO regarding increased impact due to odours from Brown's being accentuated due to the greater enclosure of the courtyard therefore this is unlikely to result in significant amenity impacts.

The Construction Environment Management Plan (CEMP) proposes a series of measures to minimise the escape of dust during construction. Construction hours will be limited to 07.30 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturday with no working on Sundays or public holidays. The contractor will employ "best practical means" to minimise noise and vibration resulting from construction operations and shall comply with the recommendations detailed in the Code of Practice for noise and vibration control on construction and open sites (BS 5228-1: 2009 + A1: 2014 & BS 5228-2:2009 + A1: 2014). The Environmental Health Officer is satisfied that the submitted CEMP has proposed reasonable measures to minimise the amenity impacts during construction.

#### Microclimate

A qualitative desk study has been undertaken to assess the wind conditions around the development for original scheme which was 10-storeys high. This concluded that the development is expected to worsen wind conditions around the entrance to Norfolk Street. In the worst-case wind conditions, most of Norfolk Street remained acceptable for standing with the Charles Street frontage being acceptable for strolling and the entrance into Norfolk Street being acceptable for business walking as defined by the Lawson criteria. The assessment concluded that these conditions were within acceptable limits for the intended uses of the space and therefore no permanent mitigation was required. The assessment goes on to conclude that future developments are expected to alter the wind conditions, but overall conditions are expected to remain within acceptable comfort and safety limits, but the users are likely to experience more gusty conditions. As the scale of the development has now been reduced to 7-storeys there is no requirement to undertake a microclimate assessment for the amended scheme under the Council's guidance and the impact should be less than that described above.

#### Land Quality

The site lies within a Coal Mining High Risk Area. The applicant has submitted a phase 1 land contamination assessment, this recommends further ground investigations to assess the mining history, ground gas, and unexploded ordnance.

In the light of this the Environmental Health Officer has recommended conditions for investigating and mitigating ground conditions. The Coal Authority has also recommended conditions to ensure the coal mining legacy is investigated and mitigated if appropriate.

#### Drainage

The drainage submission considers sustainable drainage options but concludes

that due to ground conditions infiltration is unlikely to be viable and as there are no nearby water bodies or surface sewers. Therefore, discharge to the combined public sewer is the only viable option. The applicant's consultants consider that the on-site storage required to reduce surface water run-off could be achieved by blue roofs.

The Lead Local Flood Authority is satisfied with the submitted proposals. Yorkshire Water has no objections to surface water being connected to the public sewer subject to conditions which require the applicant to demonstrate that infiltration is not practical, provide evidence of existing connections and restrict discharge to the existing rate, less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Therefore, it is concluded that drainage can be satisfactorily dealt with by way of conditions whilst delivering reduced surface water run-off.

## RESPONSE TO REPRESENTATIONS

The majority of issues raised have been covered in the main body of the report under the relevant headings. Other matters raised are covered here.

The applicant has advised that the Yoga business was aware of the applicant's intention to redevelop the site when they signed the lease which has a short-term break clause. They say that there are alternative premises available in the city centre. Whilst it is accepted that a health and wellbeing business contributes positively to the attractiveness of the city centre the planning system does not have a remit to protect individual businesses and the terms of leases are outside of the control of the planning system. Therefore, the potential loss/relocation of the yoga business should be given little weight in determining this application. Your officers' concur with this view.

It has been argued that the applicant is guilty of green washing to distract from the harmful impacts on amenity and heritage assets and that the buildings should be refurbished rather than demolished. The planning application report endeavours to balance the harmful impacts and concludes on balance that the benefits outweigh the disbenefits. There can be no doubt that the design of the building will be highly sustainable and well in excess of the Council's policy requirements, and conditions are proposed to ensure these benefits are delivered. It is highly unlikely that a refurbished building would deliver office floorspace of sufficient quality to meet the identified need for grade A space.

Residents' concerns about the success of the proposed green walls are reasonable and understandable. A condition is proposed requiring the detailed design to be submitted and approved so that this can be scrutinised by the Council's landscape officers to ensure the design will be successful.

Some of the representations refer to very high percentage reductions in natural light. It should be noted that, whilst there are large percentage reductions in terms of VSC, these refer specifically to how much of the sky is unobstructed from an

outward facing window and in terms of NSL the distribution of daylight on a desktop plane within a room. When the existing amount of light received under these measures is already very low, as is the case with many of the affected rooms and windows, a small reduction in levels results in a large percentage reduction. For example, one bedroom window has an existing unobstructed sky figure (VSL) of 0.8% whereas the BRE target is 27%. The development results in a figure of 0.0% which gives a 100% reduction but the amount of sky visible from the window is changed very little.

## SUMMARY AND RECOMMENDATION

The proposed land use aligns with the Development Plan policy and will help to support employment and economic growth and the regeneration of the City Centre which is consistent and closely aligned with NPPF policy. There is of course a doubt about the future demand for office accommodation in the City Centre in the light of the pandemic and increased home working. However, there is no convincing evidence to counter the applicant's expert view that there is a need in the longer term for smaller scale high quality Grade A office accommodation in the City Centre despite the pandemic.

The applicant has amended the design by removing windows at lower levels on the courtyard elevations and, together with the non-vision windows and conditions proposed, privacy is adequately protected. In your officers' view the reduced scale of the scheme means that it will not appear too overbearing from residents' windows facing on to the courtyard; similar relationships between residential buildings have been approved in other City Centre developments to maintain street fronting buildings which are characteristic of the urban fabric of the city centre and help deliver a viable development. Whilst the building will be taller and closer to the courtyard facing apartments in Berona House, and consequently will appear more dominant, there will also be benefits in terms of reduced overlooking and visual improvements due to a green wall replacing a currently unattractive rear elevation.

The BRE daylight and sunlight guidelines are a means of quantifying the amenity impact but have been designed for suburban low-rise developments rather than City Centre high density living. They should not be seen as standards that must be complied with in a City Centre context. If they were rigidly applied to new developments in the City Centre, the sustainability/climate change benefits of high-density development in a highly accessible location would not be able to be delivered and there would be more pressure to develop green spaces to meet the city's future employment and housing needs. Residents living in City Centres benefit from improved access to services and facilities and a direct cost of this is lower private amenity standards and more reliance on public rather than private amenity space. Your officers consider more weight should be given to the GLC VSL guideline than the BRE guideline in this context as it more directly relates to high density locations.

Any increase in the scale of development on this site is likely to have an impact on the amenity of existing residents whose windows and amenity space face on to the courtyard. As explained above, natural light and sunlight is less of a concern for

bedrooms although there are negative sustainability impacts when natural light is reduced due to an increased requirement for electric light.

The officer view is that the impacts of most concern are on the 3 south-east facing living/kitchen/diners which are single aspect and will see reductions in already low levels of natural light and sunlight. Also of concern are the 4 living/kitchen/diners in St Paul's Chambers which will have reduced natural light/ sunlight (although these are served by windows on the courtyard and street elevations), particularly the two which experience the greatest reduction in sunlight hours. In addition, there will be a significant impact on the amenity value of the small courtyard which primarily serves as a pleasant space for accessing the flats but is also used for sitting out and socialising. The new building will reduce the amount of sunlight and will appear dominant and overbearing from this space. The disturbance during construction is a lesser concern as the Environmental Protection Service has advised that this will be adequately controlled by the Construction Environmental Management Plan. There will still undoubtedly be an impact on surrounding residents, but this will be temporary and is an inevitable consequence of any construction programme. It is not a reason in itself for resisting the development.

The amenity impact of the development could be reduced somewhat if the upper floors were confined to the extent of the existing 3-storey buildings. This would reduce the impact on Berona House and the amenity space which serves St Paul's Chambers. The proposed building occupies the full extent of the plot mostly to its full height whereas the other buildings in this block are generally lower along the rear boundaries which allows for more outlook for the apartments and openness around the amenity space. In this respect the development is less of a good neighbour than the existing buildings. However, it is considered highly likely that the development would not be viable if the upper floors were cut back in footprint to match that of the existing 3-storey buildings.

In your officers view the scale of the building is appropriate for this location within the wider block given its position at the corner of Charles Street and Norfolk Street and taking into consideration that this site is on the edge of the conservation area, whilst also acknowledging both the lower buildings within the same block and the taller buildings opposite at No 3 St Paul's and Howden House. The scale now proposed is in line with the original comments from Historic England which referred to it being no higher than the Prudential Assurance Building and the 7 storey buildings of Blocks B and C of HoCII.

The key block views of the scheme show that it will no longer have an adverse impact on the setting of the Town Hall and only a minor impact on the setting of Prudential House. It is acknowledged that the fairly homogenous scale of development within the conservation area allows functionally important buildings to stand out as landmarks. This scheme will not disrupt this as both the Town Hall and Prudential House still remain dominant within the key views. Your officers do not agree with Historic England's comment that the new building will dominate a number of important views. The block views show that it will not dominate views from the Peace Gardens, Pinstone Street or along Norfolk Street given the existing adjacent taller buildings.

The public representations and heritage consultees criticise the design of the building as not being contextually sympathetic. The proposed building does not attempt to ape the heritage buildings and proposes an unashamedly contemporary design which is an acceptable design approach that has been approved elsewhere within the conservation area. Notably Blocks B and C nearby which are both within the conservation area are designed with 7-storey buildings abutting 3-storey non-designated heritage assets. Blocks 1 and 2 and part of Block 3 St Paul's Place on the opposite side of Norfolk Street are also within the conservation area.

The materials are high quality mainly consisting of anodised aluminium and frameless glazing; materials used extensively in other HoCII blocks in the conservation area. In contrast with the existing buildings on the site, which exhibit a horizontal design emphasis, the new building has a vertical emphasis which is more characteristic of the conservation area. The stepped massing within the amended design creates a block rhythm that is sympathetic to the conservation area and the stone framed taller glazed openings on the ground floor respond to the ground floor frontage of St Paul's Chambers whilst creating a more welcoming active frontage than the existing buildings. The modelling of the anodised frame shows that it will create depth to the elevation and visual interest. Your officers consider that the design would be improved without the cantilevered elements and have encouraged a simpler design during negotiations. The applicant has responded by reducing the cantilevered elements from the original scheme and the remaining toned-down feature at the corner of Charles Street and Norfolk Street is not so discordant that it justifies resisting the application.

It is concluded that the proposed modern design and increased scale at this prominent corner location will improve the appearance of the site but at the same time undermine the visual prominence of the non-designated heritage assets of St Paul's Chambers and Berona House on the Charles Street and Norfolk Street frontages. This later aspect will have a minor negative impact on the character of the conservation area and together with the minor impact on the setting of Prudential House will result in less than substantial harm on the designated heritage assets.

The public benefits of the proposal as described in the report are significant. Balancing up the benefits and disbenefits is not an easy task and is a matter of planning judgement. Bearing in mind the requirements of S66 and S72 of the Planning Act and Paragraphs 200 and 202 of the NPPF, it is concluded that the less than substantial harm to the heritage assets is justified in this case and the public benefits outweigh the harm.

Finally, considering the overall benefits of the proposal against the harmful residential amenity impact (described in detail above) to apartments in Berona House and St Paul's Chambers and its associated amenity space, it is concluded on balance that the planning benefits outweigh the planning harm in this case and that the scheme complies with the relevant local and national policies when considered as a whole. It is therefore recommended that planning permission be granted, subject to the listed conditions.