
Case Number	23/00493/OUT (Formerly PP-11896585)
Application Type	Outline Planning Application
Proposal	Hybrid planning application for the regeneration of Castle Site, including: Full application for new public realm open space including the partial de-culverting of the River Sheaf and refurbishment/adaptation of the retained structure above the upper chamber. Outline application for the construction of buildings on prepared development plots (for use within Use Classes: E (Commercial, business and service), F.1 (Learning and non-residential institutions), F.2 (Local community), C1 (Hotels), C2 (Residential institutions) and/ or C3 (Dwellinghouses) and/ or for use as a drinking establishment, and/ or as a hot food takeaway (sui generis)) together with an area of public realm readied for the River Sheaf to be de-culverted at a later date
Location	Former Site Of Castle Market Exchange Street Sheffield S2 5TR
Date Received	14/02/2023
Team	City Centre and Major Projects
Applicant/Agent	Sheffield City Council
Recommendation	Grant Conditionally

Time Limit for Commencement of Development

1. The development granted full planning permission (the works to form the new public realm open space including the partial de-culverting of the River Sheaf and refurbishment/adaptation of the retained structure above the upper chamber) 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.

2. The development granted outline planning permission (the buildings and

additional de-culverting within the areas of land outlined in green on drawing ref. PC06347-SCC-XX-XX-PL-L-00101 P2) shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

3. Application for approval in respect of any matter reserved by this permission must be made not later than the expiration of 3 years from the date of this decision.

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

4. In respect of each of the plots of land outlined in green on drawing ref. PC06347-SCC-XX-XX-PL-L-00101 P2, development shall not commence within any plot of land (other than the works listed in condition 5 below) until a reserved matters application, including layouts, plans / sections and elevations for the part of the development which will occupy that plot of land, have been submitted to and approved by the Local Planning Authority. The reserved matters requiring approval for each plot of land are:

- (i) layout;
- (ii) scale;
- (iii) appearance;
- (iv) access; and,
- (v) landscaping.

The details submitted within each reserved matters application shall be in substantial accordance with the Design Code and Scale Parameters set out in Section 6 (Plot Strategies) of the approved Design and Access Statement (as received on 10 May 2023) and Drawing ref. PC06347-CDS-XX-XX-DR-A-00001 P02 (Plot Parameter Plan).

The part of the development that is the subject of the reserved matters application shall in all respects be carried out in accordance with the approved details.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

5. The following actions may take place prior to the submission of applications for reserved matters approvals:

Erection of construction accommodation;
Construction of temporary access and service roads;
The temporary display of site notices or advertisements;

Archaeological investigations - as described within the Conservation and Mitigation Strategy ref. 273330.02;
Ground conditions investigations;
Ecological and other environmental investigations;
Intrusive site surveys and other enabling works;
Demolition;
Excavation;
Level Raising;
Site clearance, soil storage and remedial work in respect of any contamination or other adverse ground conditions;
Repair and refurbishment of existing structures;
De-culverting (other than the green lined future de-culverting area);
Diversion and laying of services;
Erection of those temporary and permanent means of enclosure shown on the approved plans;
Undertaking of the approved soft and hard landscaping works;
Formation of the approved means of access to the site
Exposure and preservation of heritage assets and provision of public art.

Reason: In order to define the permission

Approved/Refused Plan(s)

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

PC06347-SCC-XX-XX-PL-A-00101 P2 - Location Plan
PC06347-CDS-XX-XX-DR-A-00001 P03 - Constraints Plan
PC06347-ARP-XX-XX-PL-L-00020 P01 - Landscape Sections
PC06347-CDS-XX-XX-DR-L-00001 P02 - Landscape GA
PC06347-CDS-XX-XX-DR-L-00002 P01 - Soft Landscape Strategy Plan
PC06347-CDS-XX-XX-DR-L-00003 P01- Hard Landscape Plan
PC06347-SCC-XX-XX-DR-L-25041 P1 - Typical Hard Landscape Details
Handrails Type 2 - Riverside
PC06347-SCC-XX-XX-DR-L-30040 P1 - Typical Hard Landscape Details
Surfacing and Interfaces
PC06347-SCC-XX-XX-DR-L-35040 P1 - Typical Hard Landscape Details
Steps and Handrails
PC06347-SCC-XX-XX-DR-L-45040 P1 - Typical Soft Landscape Details
Tree Planting
PC06347-ARP-XX-XX-DR-L-00012 P04 - Interim Site Features
PC06347-ARP-XX-XX-DR-CE-15101 P03 - Demolition and Retention Plan
PC06347-ARP-XX-XX-DR-CE-15104 P02 - Earthworks Isopach Cut & Fill
PC06347-ARP-XX-XX-DR-C-00103 P02 - De-Culverting and Fish Pass
General Arrangement
PC06347-ARP-XX-XX-DR-C-00201 P02 - De-culverting and Fish Pass
Sections
PC06347-ARP-XX-XX-DR-CD-50101 P02 - Foul Water Drainage General
Arrangement
PC06347-ARP-XX-XX-DR-CD-50201 P02 - Surface Water Drainage

General Arrangement
PC06347-ARP-XX-XX-DR-S-20104 P02 - Retaining Walls
PC06347-ARP-XX-XX-DR-CE-15201 P01 - Proposed Earthworks Illustrative Sections
PC06347-CDS-XX-XX-DR-A-00001 P02 - Plot Parameter Plan

Reason: In order to define the permission.

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

7. No part or phase of development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of that part or phase of development have been submitted to and approved by the Local Planning Authority. Such details shall include:
- i) details of the location and standard of the construction access;
 - ii) any necessary consequential works to bring the access up to a suitable standard (including any necessary decking over or reinforcement of existing structures such as culverts or bridges);
 - iii) the route between the construction access and the public highway;
 - iv) the method by which highway safety and disruption risks will be managed, and;
 - v) the arrangements for restricting the vehicles to the approved ingress and egress points.

Ingress and egress for vehicles engaged in the construction of that part or phase of development shall thereafter be obtained only at the approved points and in accordance with the approved details.

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

8. No part or phase of development shall commence until details of the site accommodation have been submitted to and approved by the Local Planning Authority. Such details shall identify the areas of the site which shall be utilised within that part or phase of development for:
- i) delivery/service vehicles to load and unload;
 - ii) parking of associated site vehicles, and;
 - iii) storage of materials;
 - iv) contractor welfare and accommodation facilities;
 - iv) any necessary crainage.

Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction of that part or phase of development 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.

9. No demolition and/or construction works shall be carried out for any part or phase of development 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 for that part or phase of development shall be approved 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.

10. No part or phase of development shall commence until a Construction Environmental Management Plan (CEMP) covering that part or phase of development has been submitted to and approved by the local planning authority. The CEMP shall assess risks and propose construction site management and mitigation measures designed to prevent nuisance and minimise disamenity at nearby sensitive uses and to minimise ecological harm, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures. Thereafter the relevant part or phase of development shall only be carried out in strict accordance with the provisions of the approved CEMP.

Reason: In the interests of minimising the adverse environmental effects of the construction phase of development, it is essential that this condition is complied with before any works on site commence

11. No part or phase of development shall commence until a detailed Inclusive Employment and Development Plan for that part or phase, designed to maximise opportunities for employment and training from the construction phase of the development, has been developed collaboratively with Talent Sheffield and submitted to and approved in writing by the Local Planning Authority.

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

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

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

12. Development shall not commence within the 'watercourse zone' (as identified on drawing ref. PC06347-CDS-XX-XX-DR-A-00001 P03) until a de-culverting method statement has been submitted to and approved by the Local Planning Authority. Unless otherwise approved, the de-culverting method statement shall:

- i) Be informed by a model and modelling report that has been checked and signed off by the Environment Agency;
- ii) Be informed by the additional survey and assessment work specified within the 'Biodiversity Net Gain (BNG) - Biodiversity Net Gain Feasibility Report';
- iii) Provide full details of the proposed works to the banks and bed of the watercourse (other than in respect of the Fish-pass).

Thereafter the de-culverting works shall only proceed in strict accordance with the approved method statement.

Reason: In the interests of ensuring that the de-culverting works do not cause unacceptable ecological harm or increased flood risks.

13. No works shall be undertaken to the channel bed within the 'watercourse zone' (as identified on drawing ref. PC06347-CDS-XX-XX-DR-A-00001 P03) until a Fish-pass Scheme has been submitted to and approved by the Local Planning Authority. Unless otherwise approved, the Fish-pass Scheme shall provide details of fish passage through a wide range of river flows - at least Q10 to Q95, where Q10 is the flow exceeded just 10% of the time and Q95 is the flow exceeded 95% of the time. Thereafter the works to provide the Fish-pass shall be carried out in accordance with the approved details prior to the public realm hereby approved being brought into use.

Reason: In the interests of ecology and watercourse improvement.

14. Development shall not commence within the 'Primary Archaeological Investigation Area' (as identified on drawing ref. PC06347-CDS-XX-XX-DR-A-00001 P03) until a written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority. Thereafter the programme of archaeological work set out in the approved WSI shall be completed in accordance with the approved details.

Reason: In the interests of ensuring that details of the required set piece archaeological dig within the archaeologically sensitive parts of the site have been approved before that dig commences.

15. Other than archaeological investigations, development shall not commence within the 'Primary Archaeological Investigation Area' (as identified on drawing ref. PC06347-CDS-XX-XX-DR-A-00001 P03) until a method statement for works within the Primary Archaeological Investigation Area has been submitted to and approved by the Local Planning Authority. Unless otherwise approved the method statement shall:

i) include a further evaluation of the potential impacts of the development on the archaeological features within the site (including a Water Environment Assessment) based upon the findings of the programme of archaeological work set out in the approved WSI;

ii) confirm details of the works to be undertaken within the Primary Archaeological Investigation Area - which shall be based upon the details shown on the approved plans listed at condition 6 adjusted as necessary to minimise harm to archaeological features whilst taking any feasible opportunities to expose, preserve and interpret historic remains informed by the findings and recommendations of the further archaeological evaluation;

iii) confirm details of the following works within the Primary Archaeological Investigation Area:

- a) level changes,
- b) retaining structures;
- c) hard and soft landscaping features;
- d) archaeological features that will be exposed;
- e) archaeological features that will be retained below ground and protected from disturbance;
- f) the works which shall be undertaken to preserve and protect exposed archaeological features;
- g) the works which shall be undertaken to present and interpret archaeological features and the findings of the archaeological evaluation within the site.

Thereafter the development shall only proceed in strict accordance with the approved method statement for works within the Primary Archaeological Investigation Area.

Reason: In the interests of ensuring that a mechanism is in place to further evaluate relevant below ground heritage assets once they have been exposed and fine tune the development scheme accordingly.

16. Development within the 'Area Under Archaeological Direction' and 'Area Under Archaeological Supervision' (as identified on drawing ref. Projects/273330/GIS/Graphics/Figures) shall only be undertaken in strict accordance with the approved Conservation and Mitigation Strategy and Written Scheme of Investigation. In the event that any archaeological significant features are encountered during the development works outside of the Primary Archaeological Investigation Area the relevant archaeological feature(s) shall be protected from damage, the significance of the relevant feature(s) shall be evaluated and proposals for any amendments required to the approved development scheme to preserve the archaeological feature(s) and take advantage of any additional opportunities for archaeological interpretation shall be submitted to the Local Planning Authority for approval. Thereafter no works shall be undertaken which would affect the relevant archaeological asset(s) except in full accordance with the approved details.

Reason: In the interests of ensuring that a mechanism is in place to further evaluate relevant below ground heritage assets once they have been

exposed and fine tune the development scheme accordingly.

17. In respect of plots 1, 2 and 3, as identified on drawing ref. PC06347-ARP-XX-XX-PL-L-00012_P01, development shall not commence within any of these plots (other than the works listed in condition 5 above) until full details of proposals for the inclusion of public art as part of the development scheme for the relevant plot have been submitted to and approved by the Local Planning Authority. Thereafter the approved public art works shall be completed prior to the development within the relevant plot being brought into use or occupation.

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.

18. In respect of plots 1, 2 and 3, as identified on drawing ref. PC06347-ARP-XX-XX-PL-L-00012_P01, development shall not commence within any of these plots (other than the works listed in condition 5 above) until a report identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy for the relevant plot has been submitted to and approved by the Local Planning Authority. No part of the development within the relevant plot shall be brought into use until the approved renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or approved measures to achieve the alternative fabric first approach, have been installed/incorporated and a report has been submitted to and approved by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated. Thereafter the approved 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.

19. In respect of plots 1, 2 and 3, as identified on drawing ref. PC06347-ARP-XX-XX-PL-L-00012_P01, development shall not commence within any of these plots (other than the works listed in condition 5 above) until a scheme for the provision of a blue roof on the building to be developed within the relevant plot has been submitted to and approved by the Local Planning Authority. Unless otherwise approved Plot 1 and Plot 2 shall have two main outlets for each roof, whilst Plot 3 shall have a single outlet, with each outlet being controlled to restrict the flow rate to 2 l/s and the blue roof designed with sufficient capacity to store excess storm water during mild storm events and regulate the discharge entering the wider site. No part of the development within the relevant plot shall be brought into use until the blue roof has been installed in accordance with the approved details. Thereafter the approved blue roof shall be retained in use and maintained for the lifetime of the development.

Reason: In the interests of promoting Sustainable Urban Drainage Systems and managing flood risks.

20. In respect of plots 1, 2 and 3, as identified on drawing ref. PC06347-ARP-XX-XX-PL-L-00012_P01, no development which includes any residential accommodation shall commence within any of these plots (other than the works listed in condition 5 above) until a scheme of sound insulation works for the residential accommodation to be developed within the relevant plot has been submitted to and approved by the Local Planning Authority. The scheme shall:

a) Be capable of attenuating total environmental noise to achieve the following internal sound levels:

- Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
- Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
- Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);
- Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

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

Thereafter the development of the relevant plot shall only be carried out in strict accordance with the approved scheme of sound insulation works and no residential accommodation within the relevant plot shall be brought into occupation until the works have been completed.

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

21. Before any residential accommodation comprised within the development is brought into occupation Validation Testing of the sound insulation and/or attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

- a) Be carried out in accordance with an approved method statement.
- b) Demonstrate that the specified noise levels have been achieved.

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

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

22. In respect of each of the plots of land outlined in green on drawing ref.

PC06347-SCC-XX-XX-PL-L-00101 P1, no works involving the construction of a building shall commence within any of these plots (other than the works listed in condition 5 above) until a scheme for the provision of a green/ biodiverse roof on the building to be developed upon the relevant plot (where viable and where the roof space is not required for another exclusive purposes such as surface water storage or solar energy generation) has been submitted to and approved by the Local Planning Authority. The scheme shall include full details of the type of the green/biodiverse roof to be provided together with construction details and specifications and a maintenance schedule. Unless otherwise approved, the scheme shall include a substrate growing medium of 80mm minimum depth incorporating 5-20% organic material. No building within the relevant plot shall be brought into use until the green/ biodiverse roof has been installed. Thereafter the plant sward shall be maintained for a period of not less than 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

23. In respect of the section of the culvert identified in green on drawing ref. PC06347-ARP-XX-XX-DR-CE-15101 P03, annotated 'Culvert lid and ribs to remain in situ', this section of culvert is hereby granted outline planning permission for future de-culverting and bridge construction works. Development shall not commence within this plot of land (other than the works listed in condition 5 above) until a de-culverting method statement, including full details of any new bridge structure which will be provided as part of the de-culverting works, has been submitted to and approved by the Local Planning Authority. The de-culverting works shall thereafter be undertaken in full accordance with the approved details.

Reason: In the interests of improving the quality of the watercourse and Sheffield's connection to its watercourses.

24. In respect of each of the plots of land outlined in green on drawing ref. PC06347-SCC-XX-XX-PL-L-00101 P1, no part of the development within the relevant plot shall be brought into use until full details of all external signage proposed to be installed on the building or within the curtilage of that plot have been submitted to and approved by the Local Planning Authority. The approved signage shall be provided in accordance with the approved details.

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

25. In respect of each of the plots of land outlined in green on drawing ref. PC06347-SCC-XX-XX-PL-L-00101 P1, no part of the development within the relevant plot shall be brought into use until a detailed Travel Plan for that plot has been submitted to and approved by the Local Planning Authority. The Travel Plan shall include:

1. Clear & unambiguous objectives to minimise the proportion of staff,

- visitors and residents that travel to the site by private car;
2. A package of measures designed to achieve those objectives and encourage/ facilitate the use of alternative modes of transport;
 3. A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule;
 4. Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority;
 5. Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

Prior to any part of the development of the relevant plot being brought into use, evidence that all the measures included within the approved Travel Plan have been implemented or are committed shall have been submitted to and approved by the Local Planning Authority.

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

26. In respect of each of the plots of land outlined in green on drawing ref. PC06347-SCC-XX-XX-PL-L-00101 P1, no part of the development within the relevant plot shall be brought into use until full details of cycle storage facilities for that plot have been submitted to and approved by the Local Planning Authority. Thereafter the approved cycle storage facilities shall be fully constructed and installed before any part of the development within the relevant plot is brought into use. The approved cycle storage facilities shall thereafter be retained and maintained for the lifetime of the development.

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

27. No part or phase of development shall be brought into use until full details of the proposed refuse and recycling storage facilities to be provided to serve that part or phase of development have been submitted to and approved by the Local Planning Authority. The details shall include a method statement indicating how the facilities will be managed and serviced and how occupiers of the proposed development will be encouraged to maximise the use of the proposed recycling facilities to reduce general waste arising. The approved facilities shall have been implemented in conjunction with the approved method statement prior to occupation of the relevant part or phase of development and shall thereafter be retained and maintained for the lifetime of the development.

Reason: In order to ensure that proper provision for refuse is made and to encourage the maximum use of recycling in the interests of protecting the environment.

28. No part or phase of development shall be brought into use until a Servicing

Scheme for that part or phase of development has been submitted to and approved by the Local Planning Authority. The Servicing Scheme shall set out details of how the servicing, delivery and waste collection needs of the development will be provided for without interfering with the free flow of traffic on the public highway, the priority of public transport on Waingate or the priority of pedestrians and cyclists on Castlegate. The Servicing Scheme shall have been implemented prior to occupation of the relevant part or phase of development and shall thereafter be retained and maintained for the lifetime of the development.

Reason: In order to ensure that the servicing needs of each part of the development are met without adversely affecting the specific functions and priorities of surrounding streets.

29. No part of phase of the development shall be brought into use until a detailed external lighting scheme for the relevant part or phase of development has been submitted to and approved by the Local Planning Authority. The scheme shall demonstrate that any lighting would not cause disturbance to wildlife (including provisions for a dark corridor along the watercourse) or adjacent occupiers, whilst providing sufficient lighting to provide for the needs of users of the development in terms of amenity and safety. The approved external lighting scheme shall be implemented prior to the relevant part or phase of development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. The approved external lighting features shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of ensuring that the development provides appropriate lighting whilst minimising the risk of causing nuisance or ecological harm through light pollution.

30. No part of phase of the development shall be brought into use until a Public Transport Infrastructure Improvement Scheme covering the relevant part or phase of development has been submitted to and approved by the Local Planning Authority. Unless otherwise approved, the scheme shall make provision for the delivery of elements of the works itemised on the table at Annex 1 of the letter from the South Yorkshire Mayoral Combined Authority Executive dated 03 May 2023 proportionate to the Gross Floor Area which would be delivered through the relevant part of the development together with any relevant phasing proposals and a delivery mechanism. Thereafter no part of phase of the development shall be brought into use until the works included within the approved Public Transport Infrastructure Improvement Scheme covering that part or phase of development have been completed.

Reason: In the interests of sustainable transportation and promoting modal change.

31. Before the new public realm hereby approved is brought into use, or within an approved alternative timeframe, full details of proposals for the inclusion of public art within the new public realm, shall have been submitted to and

approved by the Local Planning Authority. Thereafter the approved public art works shall be completed prior to the new public realm being brought into use, or within an approved alternative timeframe.

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

32. Before the new public realm hereby approved is brought into use, or within an approved alternative timeframe, a Conservation Management Plan shall have been submitted to and approved by the Local Planning Authority. The Conservation Management Plan shall include a risk assessment and set out a detailed strategy for the conservation and protection of the heritage assets to be exposed and incorporated within the public realm based upon that risk assessment including measures to minimise the risk of damage and deterioration, monitor the condition of the assets and take action to conserve and protect the assets in the event damage or deterioration. The approved Conservation Management Plan shall thereafter be implemented in full throughout the lifetime of the development.

Reason: To ensure that the heritage assets which are incorporated within the public realm are appropriately monitored and managed to provide for their ongoing protection and conservation.

33. Before the new public realm hereby approved is brought into use, or within an approved alternative timeframe, a Street Works Scheme shall have been submitted to and approved by the Local Planning Authority. Unless otherwise approved, the Streetworks Scheme shall include details of all works required to adjust and make good existing street furniture, bus stops and surfaces on Waingate, Exchange Street and Castlegate in order to facilitate the approved public realm works and ensure the free flow of pedestrians and cyclists both through and around the site and that existing bus stops remain accessible and conveniently located. The works set out within the approved Streetworks Scheme shall thereafter be completed before the new public realm hereby approved is brought into use, or within an approved alternative timeframe.

Reason: In order to ensure that the development does not compromise the quality of adjacent streets or existing public transportation infrastructure.

34. Before the new public realm hereby approved is brought into use, or within an approved alternative timeframe, a Boundary Treatment and Vehicle Restraint Scheme shall have been submitted to and approved by the Local Planning Authority. Unless otherwise approved, the Scheme shall confirm details of all boundary treatments to be comprised within the development and any bollards, planters or other landscaping features required to ensure appropriate segregation and protection of spaces designed for vehicles, pedestrians and cyclists. The works set out within the approved Scheme shall thereafter be completed before the new public realm hereby approved is brought into use, or within an approved alternative timeframe.

Reason: In the interests of amenity and pedestrian and highway safety.

35. Before the new public realm hereby approved is brought into use, or within an approved alternative timeframe, a Biodiversity Enhancement Scheme shall have been submitted to and approved by the Local Planning Authority. Unless otherwise approved, the Scheme shall make provision habitat boxes and naturalistic features for a range of wildlife (birds, bats, invertebrates) and native species planting (planting along the de-culverted river bank shall only comprise appropriate native riparian species). The works set out within the approved Scheme shall thereafter be completed before the new public realm hereby approved is brought into use, or within an approved alternative timeframe.

Reason: In the interests of biodiversity and ecological enhancement.

36. Before the new public realm hereby approved is brought into use, or within an approved alternative timeframe, a Landscape and Ecological Management Plan shall have been submitted to and approved by the Local Planning Authority. Unless otherwise approved, the Scheme shall include long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas and shall be informed by the findings of an Ecological Impact Assessment and a Biodiversity Net Gain design stage report. Thereafter the Landscape and Ecological Management Plan shall be implemented in full accordance with the approved details for the lifetime of the development.

Reason: In the interests of biodiversity and ecological enhancement.

37. Before the new public realm hereby approved is brought into use, or within an approved alternative timeframe, a Permeable Temporary Boundary Treatment Scheme shall have been submitted to and approved by the Local Planning Authority. Unless otherwise approved, the Scheme shall include provisions for the replacement of the site hoardings along Waingate and Exchange Street with a more permeable fence or other temporary barrier which would achieve a less fortified appearance and better natural surveillance of the site from adjacent streets in the meantime before the outline plots are developed. The approved Permeable Temporary Boundary Treatment Scheme shall be implemented in full before the new public realm hereby approved is brought into use, or within an approved alternative timeframe.

Reason: To improve the relationship between the redeveloped site and the surrounding City Centre environment in the period between the completion of the public realm works and the development of the outline plots.

38. No works which involve the construction of any building on any development plot shall be begun until a Ground Gas Risk Assessment Report has been submitted to and approved by the Local Planning Authority. The Report shall be prepared in accordance with current Land Contamination Risk

Management guidance (LCRM Environment Agency 2020) and include an assessment of gas risks informed by a monitoring survey and recommendations for any necessary gas protection measures. Any remediation works recommended in the approved Ground Gas Risk Assessment Report shall be the subject of a Supplementary Remediation Strategy Report which shall also have been submitted to and approved in writing by the Local Planning Authority prior to the construction of the relevant building beginning.

Reason: To ensure that contamination risks are fully assessed and mitigated.

39. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy or Strategies. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or Strategies, 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 any approved 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 or Strategies.

Reason: To ensure that contamination risks are fully assessed and mitigated.

40. 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. No part or phase of the development shall be brought into use until a Validation Report covering that part or phase of the development has been approved by the Local Planning Authority. The Validation Report shall be prepared in accordance with 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: To ensure that contamination risks are fully assessed and mitigated.

Other Compliance Conditions

41. No part of the development shall be brought into use until all of the hard and soft landscaping works illustrated on the drawings listed under Condition 6 above (or the landscaping works illustrated on any alternative landscaping scheme which has been submitted to and approved by the Local Planning Authority under this condition) have been fully completed. The soft landscaped areas shall be managed and maintained for a period of not less than 3 years from the date of implementation and any plant failures within

that period shall be replaced in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality, providing for biodiversity net gain and the delivering good quality new public realm within Sheffield.

42. The development shall be carried out in accordance with the details set out within the Castle Site Sustainable Urban Drainage (SuDS) Design Statement Reference: PC06347-ARP-XX-XXRP-CD-50701 P02 dated 31 January 2023 by Arup, or any alternative drainage scheme which has been approved by the Local Planning Authority under this condition. The surface water drainage scheme and its management shall be implemented in accordance with the approved details before the new public realm hereby approved is brought into use, or within an approved alternative timeframe.

Reason: In the interests of sustainable urban drainage.

43. All of the recommendations for mitigation and further survey work set out at Section 6 of the 'Biodiversity Net Gain (BNG) - Biodiversity Net Gain Feasibility Report' shall be implemented in full as part of the development scheme.

Reason: To ensure that the recommended measures to minimise the risk of the development adversely affecting relevant flora and fauna are implemented and maximise ecological enhancements.

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

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

45. 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 by the Local Planning Authority. These details shall include:

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

Attention is Drawn to the Following Directives:

1. 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.
2. 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.
3. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed by the Local Planning Authority.
4. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at eps.admin@sheffield.gov.uk
5. The applicant is advised that measures to facilitate the provision of gigabit-capable full fibre broadband should be considered as part of implementing this development and for more details please contact hello@superfastsouthyorkshire.co.uk and/or refer to the Informative Note on <https://www.sheffield.gov.uk/content/dam/sheffield/docs/documents-not-in-site-structure/provision-of-gigabit-capable-full-fibre-broadband-for-dwellings-and-developments.pdf>.

6. The site is identified as having some potential for nesting birds due to the presence of scrub habitat. Any clearance works should ideally avoid the bird nesting season (March 1st - August 31st), but if work is to be carried out during this time a nesting bird check should be carried out by a suitably qualified person. All wild, birds, their active nests, eggs and young are protected under the Wildlife & Countryside Act 1981.

7. Environmental permit - advice to applicant from the Environment Agency - The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

8. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.

9. Applicants seeking to discharge planning conditions relating to the investigation, assessment and remediation/mitigation of potential or confirmed land contamination, including soils contamination and/or ground gases, should refer to the following resources:

- Land Contamination Risk Management (LCRM; EA 2020) published at: <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

- Sheffield City Council's, Environmental Protection Service; 'Supporting Guidance' issued for persons dealing with land affected by contamination, published at: <https://www.sheffield.gov.uk/pollutionnuisance/contaminated-land>

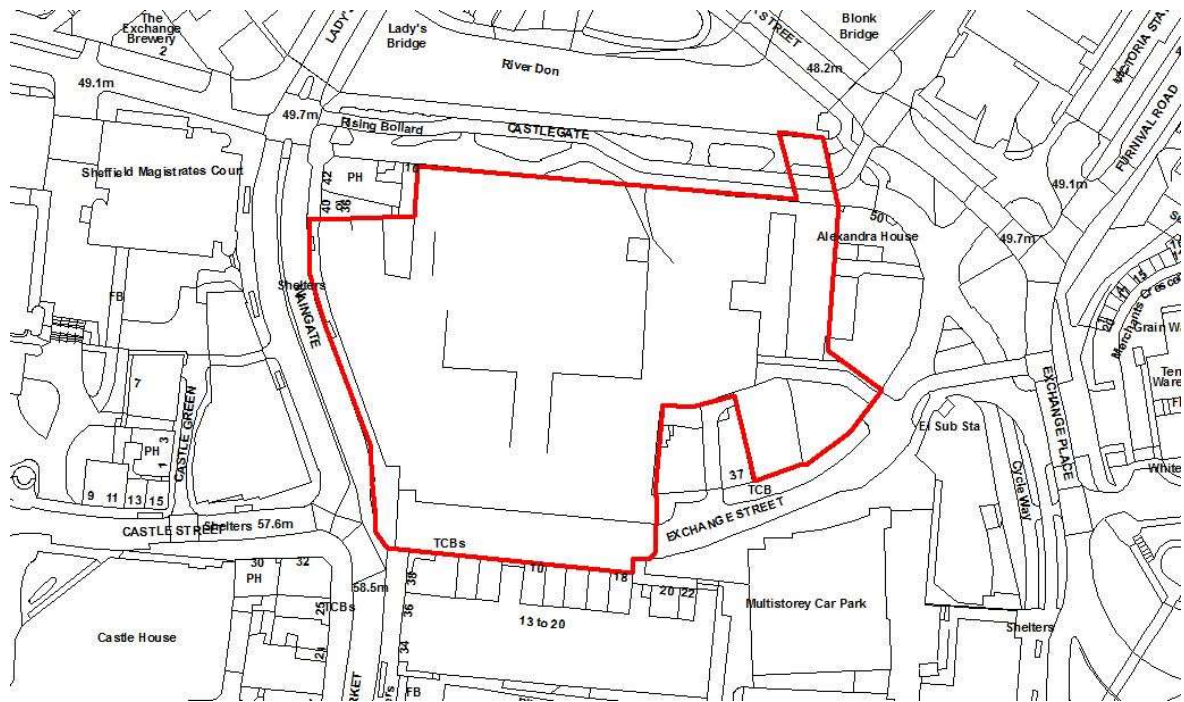
10. The Environment Agency have advised that, under Section 25(1)(a) and 25(2)(a) or the Water Resources Act 1991 (WRA) it is an offence to "begin to construct or alter impounding works without a licence or cause or permit

any other person to do the same." You must have an impounding licence before you start work on an impoundment structure (e.g., a weir), even in an emergency, unless the works are exempt. It is the responsibility of the applicant to determine whether they require an impoundment licence or not, and evidence any exemption. More information on the licencing process can be found online via the following links:

- <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence>
- <https://www.gov.uk/guidance/check-if-you-need-a-licence-to-impound-water>
- <https://www.gov.uk/government/publications/offence-response-options-environment-agency/water-resources-offences>

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

Site Location



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LOCATION AND PROPOSAL

Site Description

The proposal site is a 1.2 hectare partly cleared brownfield site on the northern edge of Sheffield City Centre located at the confluence of the River Sheaf and River Don. The site is framed by Castlegate (part of the Grey to Green cycle, pedestrian and SUDS network) to the north, Exchange Street (partly pedestrianised but poorer quality) to the south, Waingate (public transport corridor with a relatively pedestrian hostile environment) to the west and Alexandra House (student accommodation)/ Exchange Place Studios (artist and makers studios) to the east. Key features of adjacent land include:

West: Waingate with Old Town Hall (Grade II Listed – 2 to 3 storey ashlar stone building with clock tower) and modern Magistrates Court (4 storey – concrete and red brick) beyond;

South: Exchange Street with Shopping Centre (2-storey – clad); Multi-storey car park (8 storeys – red brick with glazed stair tower) beyond;

East: Pair of Victorian buildings [Mudfords Building and The Market Tavern – both currently vacant] (3 storeys to street, 4 storeys to rear – red brick); Exchange Place Studios (6 storeys – ashlar light grey stone); Alexandra House (3 storeys – light ashlar stone and red brick) with River Sheaf Walk beyond (public realm/ walking & cycling route – grey to green);

North: Castlegate (public realm/ walking & cycling route – grey to green) with the River Don beyond and the mixed use Royal Exchange buildings and the I-quarter residential tower block with commercial GF use beyond that;

North-western corner (inset): Tap and Barrel Public House and Waingate Express Newsagent with accommodation above (3-storey – red brick) and hydroponics unit (2-storey concrete).

The area surrounding the site, collectively known as Castlegate, has a wide mix of uses, including buildings in civic, retail, commercial, residential, leisure and hotel uses - typical of a city centre location on the fringe of the central shopping area. The area could however generally be characterised as being quite rundown with detractive features including: anti-social behaviour and street drinking, the dereliction of the proposal site itself, the vacancy and deteriorating condition of the once grand adjacent Old Town Hall building and the ageing and partly vacant/ deteriorating shopping centre buildings to the east of Haymarket/ south of Exchange Street. Positive recent changes include the Grey to Green project on Castlegate and the re-use of some vacant units as new alternative culture nightclub venues.

The City Centre Strategic Vision (CCSV) describes Castlegate as the northern end of the City Centre's central spine and sets out a key objective of repairing and reconnecting that spine. Key interventions designed to achieve this include the Heart of the City II and West Bar major development projects as well as the

development of new public realm at Pounds Park (now completed) and on the Castle Site (as currently proposed).

Specifically, the CCSV proposes to use the re-development of Castlegate, including a destination piece of public realm to re-connect Wicker and Victoria to the wider City Centre and create a gateway for the east of the City. The CCSV sees the future of Castlegate as an area which is redefined to move away from relying on a predominance of retail units for its vitality - with the existing comparison retail relocated towards the new consolidated City Centre retail core and replaced with a mixed use residential and commercial neighbourhood.

In terms of the current condition of the development site itself, this has the character of a derelict stalled development site bounded by graffitied hoardings. The site still accommodates various remnant old market structures including hard standings, and remnant basements and retaining structures; however the majority of the site is cleared and open with either a concrete or compacted rubble surface. Some very limited natural regeneration of shrubs and grasses has taken place. The north-central area of the site is occupied by a square raised plateau which is thought to originate from the historic 11th Century castle motte but to have been heavily altered/ squared off through subsequent interventions over the centuries (including at one point being used as a bowling green).

Exchange Street to the south of the site is 7m higher than Castlegate to the north. The central and western sections of the northern boundary of the site comprise a C. 4m high concrete wall retaining site levels from the lower level of Castlegate. Retaining walls (and part of the old castle market basement structure) are also present along the southern boundary to retain Exchange Street and parts of Waingate from the C. 4m lower site levels.

The eastern part of the site was not previously occupied by buildings and includes the culverted River Sheaf running from the south to north parallel with the site's eastern boundary - although there are no clear signs of this above ground. The Sheaf terminates at its confluence with the River Don under Castlegate adjacent to the site to the north-east.

The eastern part of the site also includes the remnants of historic parking areas and vehicular circulation routes and retains a vehicular access to Exchange Street to the east and Castlegate to the north. A pair of Victorian buildings of some merit (Mudfords Building and The Market Tavern) are inset within the south-eastern part of the site - which are 3 storeys to their frontage on Exchange Street and 4 storeys to their rear backing onto the proposal site.

The site was historically occupied by Sheffield Castle. However the castle was demolished by order of Cromwell's parliament in 1646 (being a Royalist stronghold at the time). Subsequent uses of the site included steelworks and slaughterhouses, before being developed with a large indoor market (Castle Market) in the 1950s. The market in turn was demolished in 2015, leaving the site in its current condition as a mainly cleared, hoarded, vacant site which is a detractor from the quality of this part of the City.

The site has been subject to extensive archaeological investigations over multiple phases/ time periods and three surviving remnants of the historic castle were designated as Grade II Listed structures in 1973. Two of these listed structures (Square Tower remains and Gatehouse remains) have been previously exposed and encased in concrete structures (which are in poor condition). The third listed structure (13th century castle rubble) has not been located on site; however various other castle remains, including the remains of stairways, corridors, walls and surfaces, were uncovered during the most recent trial pitting and borehole excavations of the site in 2018. Other heritage assets within the site setting include the old Town Hall building to the west; Lady's Bridge to the north-west; Blonk Bridge to the north-east; and Castle House to the south-west (all Grade II).

Form of Application and Proposal

The proposed development scheme is essentially primarily a civic improvement project to transform the derelict former castle market site into a new public park and event space. The scheme also includes de-culverting/ daylighting a section of the River Sheaf which currently passes through the site in culvert; and preparing 3 main commercial development plots on the edges of the site on Exchange Street and Waingate for future built development of commercial or institutional buildings. In addition, two smaller plots within the public park are identified for the development of smaller buildings for uses ancillary to the public/ community use of the park/ event space.

The works will be mainly funded through a successful Levelling Up Fund bid and delivered by Sheffield City Council (SCC) – who own the site – other than the 5 building plots which would be likely to be developed by a 3rd party private company, community organisation or institution. This means that SCC are both applicant and the Local Planning Authority (LPA) determining the application. However this is the process required by Regulations 3 and 4 of The Town and Country Planning General Regulations 1992 – with no requirement/ ability for Unitary Authorities to pass their own planning applications to another Planning Authority for determination. Irrespectively the planning application has been assessed objectively in accordance with relevant legislation and policy through a process which has been entirely separate to the process of preparing the development scheme.

The proposal is a hybrid planning application. This means that it includes both development which is applied for in 'Outline' form and also development applied for in 'Full' form. The Full elements are illustrated on detailed plans and could proceed immediately (subject to satisfying relevant pre-commencement conditions). The Outline elements are only illustrated in terms of the location and extent of the development plots and building scale parameters and would require further Reserved Matters approval of detailed design plans before they could proceed.

The Full elements of the application primarily comprise the works to remediate and prepare the site, partly de-culvert the Sheaf and form the proposed new public park. The Outline elements of the application comprise the proposal to construct buildings on 5 development plots identified on the site which could potentially be used for a wide range of main town centre type uses and also de-culverting the

remaining section of the Sheaf within the site. Further details are provided below.

Main components of the Full application:

- I. Demolish residual market structures;
- II. Undertaking a cut and fill exercise on the site to create a new softened landform including various terraces and flat spaces on different levels using a combination of earth batters, concrete retaining walls, gabion retaining walls and corten steel retaining walls;
- III. Undertake a set-piece archaeological excavation around the old gatehouse remains, expose the remains and provide a new landscape setting for them to enable public appreciation;
- IV. Form an access ramp (granite paving with occasional seating benches to the side) winding through the site between the existing access point on Castlegate and the proposed new access on Waingate including a widened promenade overlooking the gatehouse remains (Access Spine);
- V. Construct a new stepped access down to the exposed gatehouse area from Exchange Street;
- VI. Retain the existing level access from Exchange Street to the east – provided as a resin bonded gravel path;
- VII. Undertake works to daylight 2/3^{rds} of the River Sheaf culvert running through the site including removing the current concrete lid, lowering the culvert walls in places, naturalising the bed through formation of gravel beds, placement of boulders and aquatic planting and construction of a fish-pass;
- VIII. Formation two raingardens/ SUDS attenuation areas adjacent to The Bowling Green and a planted bioswale curving through the site and outfalling to the Sheaf (referencing the alignment of the historic Castle Moat);
- IX. Undertake hard and soft landscaping works to form new public open space areas within the central and eastern parts of the site, comprising:
 - a. Riverside Park (Sheaf Fields): a terraced new public open space to the east of the Access Spine running down to the de-culverted section of the Sheaf comprising separate stepped and step free access paths down to a walkway (resin bonded gravel) along the side of the Sheaf (with railings), a small seating area, a grassed area and an area planted with shrubs and trees;
 - b. The Bowling Green/ Rampart Vistas: a series of planted, grassed and hard surfaced spaces to the west of the Access Spine, including a flat grassed area resembling the old Castle Motte (Bowling Green), a linear hard surfaced area on top of the Castlegate retaining wall (Rampart Vistas), another resin bonded gravel hard surface area to the back of Plot 1 and a terraced play area incorporating play features, a stream with cascades, trees and a potential future climbing wall to the east of the Bowling Green;
 - c. Gatehouse Courtyard: a new landscaped setting for the gatehouse remains to be exposed to the south of the Access Spine incorporating a bridge over the remains, terraced seating, the bioswale and a small play area with planting to the east;
 - d. South-eastern corner: the part of the car parking area within the southern eastern part of the site (which includes the section of the Sheaf which is not proposed to be de-culverted as part of the scope of the current public realm improvement project) which does not fall

within Plot 3 is proposed to be landscaped with a grassed area, shrub beds, tree planting and a gravel bonded resin seating area – the seating area is off-line from the culvert.

Main components of the Outline application:

- I. Plot 1: Four to six storey building to be constructed on the Waingate site frontage;
- II. Plot 2: Three to six storey building to be constructed on the Exchange Street site frontage to the west of the Market Tavern & Mudfords Building;
- III. Plot 3: Three storey building to be constructed on the Exchange Street site frontage to the west of the Market Tavern & Mudfords Building;
- IV. Plots 4a and 4b: Smaller single storey buildings to be constructed within the central landscaped area;
- V. Future De-Culverting Area: Outline planning permission is sought to de-culvert the remaining 1/3rd of the Sheaf which would not be de-culverted as part of the scope of the current public realm project – this could include the provision of a new bridge over the Sheaf to replace the reinforced concrete lid which is currently used for crossing.

The proposal is for Plots 1, 2 and 3 to be serviced from Exchange Street and Waingate and for Plots 4a and 4b to be serviced via the Access Spine (which will be designed to be capable of accommodating occasional service/ maintenance vehicles). The Design Code specifies that each of the buildings must have active frontages onto both the adjacent street (where applicable) and the new public realm. Minimum scale parameters are also specified for Plots 1 and 2 (with no more than 1 storey height difference between the two plots) to ensure that buildings of some substance are constructed in these locations which appropriately frame and landmark the main access on Waingate.

The buildings would drain into the SUDS system to be provided within the new public realm but Plots 1, 2 and 3 would require a blue roof to the buildings to attenuate flows into the system. The detailed design of the buildings would be proposed at a later point (through a Reserved Matters application) but would need to conform to the Scale Parameters and Design Code set out within the submitted Design and Access Statement.

There is no occupant specified for any of the buildings at this stage and therefore the applicant proposes that the buildings could be used for a broad range of uses reflective of the mixed-use neighbourhood which the site is within, including uses within the following Use Classes:

- E (Commercial, business and service);
- F.1 (Learning and non-residential institutions);
- F.2 (Local community);
- C1 (Hotels);
- C2 (Residential institutions);
- C3 (Dwellinghouses); and/ or
- Sui Generis: use as a drinking establishment, and/ or as a hot food takeaway.

RELEVANT PLANNING HISTORY

There is no recent relevant planning history for the site other than a 2013 prior notification application for the demolition of the Castle Markets complex, which was approved on 19th November 2013 (ref. 13/03532/DPNRG3).

SUMMARY OF REPRESENTATIONS

Applicant's Stakeholder Engagement

Pre-application stakeholder engagement was undertaken directly by the applicant as part as the process of developing the scheme. The applicant's engagement strategy included:

- Castlegate Partnership Workshop held in November 2021 identified the themes for wider stakeholder engagement;
- Community Stakeholder Workshops held in June 2022, resulted in the production of the Castlegate Common Manifesto that included 13 recommendations from the community to inform both the Levelling-Up Fund (LUF) project and later developments of the site;
- Public Engagement Programme held public consultation events around the castle site Concept Plan, at both Moor Market and Castlegate Futures Urban Room in November 2022;
- Pop-Up Exhibition and engagement space on Exchange Street held in November 2022.

The submitted Heritage Interpretation Strategy explains how the stakeholder consultation responses received have been analysed, responded to and informed the final scheme design.

Planning Application Publicity/Consultation

The application has been publicised in accordance with the relevant planning legislation and the Council's own publicity guidance through site notice, press advertisement and neighbour notification letter. Representations have been received from 46 contributors, 5 of which state their position to be in support of the application, 6 of which state their position to be in objection to the application and 35 of which do not state either direct support or objection to the application.

A summary of key points made in these representations is set out below:

- Regeneration of the site supported and welcomed;
- Missed opportunity for wider archaeological excavation;
- Concern over impact upon the setting of the Old Town Hall;
- Concern over proposed maximum height parameters for plots 1 and 2 (impact on heritage assets, shadow cast and enclosure of entrance);
- Concern over quality (narrowness/ enclosure) of main entrance at corner of Waingate/ Exchange Street;
- Concern that the proposals take a formulaic approach that may or may not work and in 20 years' time will likely be re-planned again and are unlikely to

- be a significant catalyst for wider regeneration of the surrounding area.
- Concern over disturbance to residents within the locality from proposed development – request that the proposals prohibit music or loud clubs and pubs;
- Concern that the redeveloped site could be subject to graffiti/ graffiti stickers – there should be a plan for how to tackle this;
- Concern about how the upstream reduction in channel depth associated with the proposed partial weir removal will affect fish passage;
- The scheme would be improved by:
 - Designing in access to the Sheaf;
 - Further archaeological investigations and exposure of additional remains;
 - De-culverting the full extent of the Sheaf within the site (and not doing so just stores up future maintenance problems);
 - The use of natural stone, earth and timber retaining features, evidencing the heritage of the medieval castle;
 - Including the future aim of installing a world class visitor experience on the site.

Further details of representations sent by specific stakeholder groups is also included below (selected key comments included only):

Sheaf and Porter Rivers Trust

- Support the Council's overall design for the public realm including the much better ratio of building to public space, the intelligent handling of the castle remains and the linking of the moat and to natural surface water drainage expanding Grey to Green.
- Welcome the replacement of the Castle Orchard Weir (built in 1917) by a naturalistic rock ramp which overcomes the blockage it currently presents to the passage of fish and many mammals into the whole Sheaf and Porter catchment.
- However, we and other stakeholders are very disappointed that the current application does not commit to the full de-culverting of the river, with around 25% of the 1917 concrete tunnel shown as remaining in all drawings but 'readied to be de-culverted at a later date'.
- The retained culvert is in the worst state of decay and therefore poses the greatest risk of collapse, blocking the river and creating a flood risk. Retaining it must imply at least some temporary repair which would be a waste of money. Since a very significant part of the cost of de-culverting is bringing plant on site and into the river it surely makes sense to make maximum use of this deployment to fully de-culvert the river in one operation.
- The unattractive proposed 'green space' shown covering the river culvert here will serve little purpose, sitting as it does in shadow below Exchange St and incapable of supporting soil cover. It also deprives Development Site 3 of a river view and leaves a liability for its future developer.
- The proposal is also disappointing in its treatment of the park's exposed river frontage, showing most of the existing concrete wall - a 2.5-3.0 metre sheer drop to the water - topped by a safety railing. This means no access to the river for fishing, kayaking, maintenance, safety or wellbeing. In

addition, because of this, for most users of the proposed riverside park the water will not actually be visible.

- An alternative reprofile could result in public access almost to water level for all including wheelchair users and much better sightlines to the restored river.
- The depth of water in the channel in the 'Megatron' and the culverts upstream will be reduced by up to 0.5m. This may result in upstream sections that are currently viable for fish passage being rendered unviable.
- A more prudent approach would be to maintain the current low flow water levels upstream of the works unless it can be shown that there is no detrimental impact.

British Canoeing

- Sheffield's rivers are extremely popular venues for a number of different paddling experiences with numbers of paddlers rapidly increasing, the demand for more places to paddle, such as the Don and its larger tributaries, is high.
- We welcome the proposals to open up the river and to provide a rock ramp to remove the obstruction to fish passage created by the Castle Orchard Weir. The proposed arrangement will also facilitate paddling at many times of the year.
- However, the proposal does not permit safe access to or egress from the restored channel to enjoy that opportunity, thus missing a valuable new asset to Sheffield's Outdoor City offer in a high-profile location.
- Safe access will also enable more people to understand and become inspired by the roles that rivers' play in their lives and that of wildlife and give them the opportunity to make a difference to the long-term care of rivers and catchments.

Friends of Sheffield Castle

- Broadly supportive of the Council's plans for the Castle site, particularly the excavation of the Castle Gatehouse and Drawbridge Pier area, the route ways and connectivity through the site, the large areas of green/open space and the daylighting of the River Sheaf.
- Missed opportunity to have undertaken a wider archaeological excavation of the site, using the findings and those of previous excavations to help inform the future design of the site. There are other significant remains of the Castle that could/should have added to the future visitor experience.
- The height of the proposed buildings on the corner of Exchange Street and Waingate are too high and apart from blocking the view of the Old Town Hall from the site, it will create a very narrow entrance to the site from that corner.
- The buildings should essentially have two fronts, and the frontages onto the castle site need to be broken up.
- We support the statement of the Sheaf & Porter Rivers Trust in that planning should be sought for the whole stretch of the Sheaf on the site and also, at least part of this stretch should allow access to the water's edge.
- We are disappointed that the remains currently housed in north chamber will only see minor refurbishment as this is another missed opportunity to excavate around this important area and create a new building to house the

- remains and have them on public show.
- We welcome the flexible approach to the site which can allow for future archaeological investigations and also the verbal assurances given that the Community groups will be able to create a permanent presence on the site.
- We would like to see the retaining features include the use of natural stone, earth and timber, evidencing the heritage of the medieval castle and echoing the fact that the castle stood originally on an earthen motte above what was a sandstone cliff.
- The Heritage Interpretation Strategy should include the future aim of installing a world class visitor experience on the site.

The Friends of the Old Town Hall

- While welcoming the overall plan for the castle site they OBJECT to the application in its current state.
- We note, and applaud, the key principle to 'enhance the public realm by revealed heritage assets' and to 'provide essential infrastructure and enabling work to unlock the future development of a large brownfield site and the economic regeneration of Castlegate quarter'.
- However, the application pays no serious attention to the Council's statutory responsibility to consider the impact of its proposals on the setting of a listed building, the Grade 2 listed Old Town Hall (OTH).
- Instead it proposes approval in outline for developments in Waingate, on Plots 1 and 2, which are inappropriate. The proposed maximum height of these buildings is unacceptable, as seriously impacting on the setting of the Old Town Hall.
- Plot 1 would be taller than the OTH, so will be read as overshadowing it.
- The Waingate/Exchange Street corner would become a rather narrow, high tunnel, likely to be unwelcoming and potentially unsafe for pedestrians.
- To permit such a canyon diagonally opposite the Old Town Hall would be very damaging to the OTH's setting. We note there is no image of the impact on the view of the whole corner from Castle Street.
- The present application will effectively set the overall height limits permitted on these plots and leave the LPA no scope for seeking lower and more acceptable buildings.
- In proposing substantial buildings on Waingate, the application misses the opportunity to open up views of the OTH from the castle site and beyond and from Waingate out across the new public space.

Hallamshire Historic Buildings

- Hallamshire Historic Buildings supports this application. Design changes in respect of the following are recommended to optimise public benefit and to ensure that the settings of heritage assets are enhanced and not harmed:
 - Scale and massing of new buildings at the corner of Exchange Street and Waingate;
 - De-culverting of the River Sheaf and its accessibility to the public;
 - Visibility of the castle gatehouse remains from Exchange Street.
 - Scale and massing of new buildings at the corner of Exchange Street and Waingate

Sheffield Conservation Advisory Group

The Conservation Advisory Group is generally supportive of the scheme and welcomed the quality and care taken in the design together with the way in which the different areas in the use of the site are celebrated. However, the Group had concerns about certain elements and how things might work out.

- i) It would be helpful if a model of the site could be provided which could facilitate interpretation of the proposals.
- ii) There is concern about possibilities for future archaeological excavations, particularly where the development plots are to be located.
- iii) For the industrial layer, high quality manufactured materials would be more fitting, for example faience or fireclay instead of weathered steel.
- iv) It is important to have an easy access route through the site.
- v) The sheer drop to the river's edge needs to be revisited to enable access to the river. The group regretted that there is no immediate plan to de-culvert the last third of the river but welcomed the fact that funding is being actively sought. The Group would like to see a greater commitment in the short term.
- vi) Development plots 1 and 2 either side of the gateway entrance should have a commonality of design, scale and massing. There should be clear design principles for these buildings.
- vii) Development plots 1 and 2 should not have flat roofs as they would be out of keeping with the roofscape in that part of Sheffield. The Group considered that the prevailing height of these plots should be substantially less than the maximum specified, some members expressing the view that it should be close to or below the minimum (the Old Town Hall eaves height). The heights of these buildings should fall away more rapidly thereby reducing overshadowing within the site.
- viii) The implications of drilling concrete foundations for the archaeology of the site should be given careful consideration.
- ix) Integration of the development plots into the landscape design needs to be achieved.
- x) The Council is urged to do everything possible to ensure heritage protection of the site and should explore scheduling.
- xi) A road map showing the important steps in the development of the site would be welcome.

Sheffield and Rotherham Wildlife Trust

- SRWT welcomes the regeneration of the Castle Market site and the opportunities it brings to create a high quality public realm around the Castle remains including accessible green space and to de-culvert, provide fish passage and open up this section of the Sheaf.
- However, the Ecological Information submitted to date is not complete enough for us to fully analyse the scheme. The 'BNG Feasibility report and PEA' is an initial first stage report and rightly identified a number of other ecological surveys and reports that need to be submitted with the planning application (including for example an Ecological Impact Assessment).
- For example, the bat report is not yet available and it is essential to

understand the interplay of de-culverting and retaining the bat roost - both of which are highly desirable ecologically.

- The Lighting Strategy does refer to the good practice document 'Bats and Artificial Lighting in the UK' but it unclear whether the strategy has been approved by an Ecologist.
- Although some efforts have gone into de-culverting and opening up the river there do appear to be missed opportunities by not de-culverting more of the river (unless the bats are a constraint).
- We agree the high hard engineered wall should be replaced with a lower, softer edge such as the pocket park at Nursery Street. Could this then provide some storage for flood water?
- Detailed landscaping should focus on native species and refer to the Sheffield Street Tree Partnership for guidance on street tree selection.

PLANNING ASSESSMENT

Decision Making Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998.

The Council is currently developing a new replacement Local Plan (entitled 'The Sheffield Plan') which will set out planning policies and land use allocations to shape development within Sheffield for a plan period running to 2039. Having progressed through an Issues and Options stage in 2020 a full draft plan has been prepared for submission to the Secretary of State for examination, which has been subject to public consultation in January and February 2023. However little weight can currently be attached to the proposals and policies set out within the draft Sheffield Plan prior to it being tested for soundness through examination in public.

The National Planning Policy Framework first published in 2012 and last revised in July 2021 (the NPPF) is a material consideration in all planning decisions. Paragraph 219 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

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

- the application of NPPF policies that protect areas or assets of particular importance (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole.

This is referred to as the “tilted balance”.

In addition to the potential for a Local Plan policy to be out of date by virtue of inconsistency with the NPPF, para 11 of the NPPF makes specific provision in relation to applications involving the provision of housing and provides that where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer) the policies which are most important for determining the application will automatically be considered to be out of date.

The Council’s most recently published position in relation to the deliverable 5 year housing land supply situation is set out in the ‘5 Year Housing Land Supply Monitoring Report’, December 2022. The monitoring report indicates that, at the base date of 01 April 2022, the supply was 3.63 years for the period 2022/23 to 2026/27. As such, a 5 year supply of housing cannot be demonstrated.

Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date according to paragraph 11(d) of the NPPF. The so called ‘tilted balance’ is therefore triggered, and as such, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Principle of Development

The previous lawful use of the site was as an indoor market, which also incorporated office uses. However, this use was abandoned with the demolition of the market buildings and the site currently has no fall-back use – being simply vacant derelict land. The proposal is to redevelop the majority of the site as a public open space but with 3 relatively substantial buildings constructed around the periphery of the site which could be used for any one of a broad range of uses – with mainly only the use of the buildings for industrial or warehousing activities being precluded.

Two much smaller buildings are also proposed to be embedded within the public open space – which could reasonably be expected to be developed for purposes ancillary to the community/ recreational use of the public open space given they would have no street frontage, a relatively small internal floor area and constrained servicing facilities. The acceptability of the proposed use of land must be considered in relation to the provisions of the development plan.

The majority of the site lies within Sheffield City Centre's Central Shopping Area, as defined by the UDP Proposals Map. UDP Policy S3 lists shops, food and drink and residential (C3) uses as preferred within this area. However, the Core Strategy, in policy CS17(i), now promotes the area for a mix of uses including offices, housing, hotels and leisure - with less emphasis on retail as a result of the relocation of the markets. It is considered that limited weight can be attached to policy S3, whereas moderate weight can be attached to more up-to-date policy CS17(i) in terms of determining permissible land uses for this location.

The City Centre Strategic Vision (CCSV) (which is a material consideration) confirms that the Castle Site provides a major redevelopment opportunity in the heart of Castlegate and advises that a full masterplan for development should be produced to facilitate a mixed use, landmark development, celebrating the heritage of the area to unlock future regeneration. The CCSV also advises that the regeneration of the proposal site is a key City Centre project and should provide a catalyst for regeneration of the wider Castlegate assist in delivering the crucial objective of strengthening the City Centre's spine.

The proposed development, which provides for the redevelopment of the land as a public/ community open space with peripheral commercial, residential or institutional buildings, is considered to be consistent with the Core Strategy proposals for the Castlegate Area as an area for a mix of uses including offices, housing, hotels and leisure, linking the Heart of the City with Victoria Quays in accordance with Core Strategy policy CS17 and the vision for the area set out in the CCSV.

It is further considered that substantial weight in the planning balance should be given to the potential public benefits of the development in terms of regenerating the site, bringing it back into beneficial and active use and potentially assisting in improving the environmental quality and vitality of this deteriorated part of the City Centre.

Heritage Impacts

The proposal site is known to be occupied by layers of historically significant archaeological remains relating to Sheffield's mediaeval and industrial heritage. The most significant elements are those remains relate to the former occupation of the site by Sheffield Castle.

The site has previously undergone extensive archaeological investigation over the course of the 20th century and more recently in 2018 and three previously unearthed sections of castle remains were designated as Grade II Listed Structures in the 1970s. The most notable of these listed structures is the remains of the gatehouse and drawbridge pier located within the southern part of the site which was the historic main entrance to the castle from the city. Both the listed and unlisted archaeological remains within the site should be treated as heritage assets and protected from harm accordingly.

In addition to this, the site is within the immediate setting of two Grade II listed bridges (Lady's Bridge to the north-west and Blonk Bridge to the north-east) and a

Grade II listed building (Old Town Hall to the West). There is also some intervisibility between the site and Castle House to the south-west (a Grade II listed former cooperative department store).

The application submission indicates that the proposed development has been designed to minimise impact on below ground archaeology; however, there are various potential impacts and risks to the significance of the archaeological remains associated with the proposal. This includes the excavation of limited areas of the site to facilitate the proposed development, construction of foundations, laying of drainage and other services and the intentional exposure of the gatehouse remains. These risks and impacts must be assessed in relation to the relevant national and local policy framework on heritage assets (as set out below). The acceptability of the built development proposed in outline form, and in particular the buildings proposed adjacent to the Old Town Hall, must also be assessed.

Policy BE15 of the UDP states that development which would harm the character or appearance of Listed Buildings will not be permitted. Policy BE19 states that proposals for internal or external alterations which would affect the special interest of a Listed Building will be expected to preserve the character and appearance of the building and, where appropriate, to preserve or repair original details and features of interest.

Chapter 16 of the NPPF (Conserving and enhancing the historic environment) sets out the Government's policies relating to the historic environment. It states that heritage assets 'are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.' It goes on to say that, 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation', that 'any harm to, or loss of, the significance of a heritage asset ... should require clear and convincing justification'.

Paragraph 201 confirms that 'where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: (a) the nature of the heritage asset prevents all reasonable uses of the site; and (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and (d) the harm or loss is outweighed by the benefit of bringing the site back into use.'

Paragraph 202 confirms 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 203 advises that 'the effect of an application on the significance of a

non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

In respect of archaeology in particular, paragraph 198 advises that, 'where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.' Footnote 68 advises that 'non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.' This applies to the archaeological remains on the proposal site.

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

The proposed development scheme involves level changes in order to facilitate the delivery of a new public park, as well as the intentional (re)excavation of the old caste gatehouse remains. These level changes have been designed to minimise ground disturbance (with there being substantially more fill than cut and the cut designed to avoid sensitive archaeology) and have been informed by a Conservation Mitigation Strategy based upon extensive archaeological delineation and evaluation work informed by the various phases of archaeological investigation on the site including the recent trial pitting and borehole investigations.

Concerns have been raised by stakeholders in relation to the extent to which the development proposals could sterilise further opportunities for archaeological investigations on the site as well as the overbearing effect the development of up to 6 storey buildings on Plots 1 and 2 could have on the setting of the adjacent Old Town Hall. In relation to the former point, the proposed building plots have been carefully selected by the applicant to occupy parts of the site which are less archaeologically sensitive. It is further considered to be demonstrated by the demolition of the former Castle Market and subsequent recent archaeological investigations on the site, that redevelopment of the site will not preclude future further archaeological work on the site.

The applicant advises that the development has been designed to avoid disturbance to known archaeological assets and provide a more suitable setting for the gatehouse remains. It is known that works will be required to preserve the gatehouse remains, once exposed and such works are likely to require Listed Building Consent (LBC). However, such an LBC application would be submitted at a later stage once the remains have been fully exposed and evaluated. This effectively adds another layer of protection - as no meaningful works can be undertaken which would affect the listed gatehouse structure until LBC has been granted. It is considered that the effect of the proposal in exposing and providing a

positive setting for public appreciation of the gatehouse and drawbridge pier structures currently hidden beneath the site is a significant positive element of the development scheme which could lead to furthering archaeological understanding of the site as well as better engagement of the people of Sheffield with the historic Sheffield Castle.

In relation to the latter point it should be born in mind that the proposal site was previously occupied by a large market structure, including a 7 storey office tower on the Waingate/ Exchange Street corner and therefore there is precedent for opposing the Old Town Hall with a building of substance on the opposite side of the road. Furthermore, in response to representations from Friends of the Old Town Hall, the applicant has amended the building parameters and design code set out within the Design and Access Statement and associated Parameters Plan to provide for a wider gap between Plots 1 and 2 to allow more extensive views of the Old Town Hall (including its clock tower) through that gap. This has been achieved by requiring that any building above street level on Plot 1 is set back 7 metres from the Access Spine achieving an overall gap of 15.5m between plots 1 and 2 at street level (8.5m access width + 7m Plot 1 forecourt).

In relation to comments made by statutory consultees, Historic England have advised that, whilst they welcome the proposed regeneration of the site, currently the submission does not contain sufficient information in relation to the proposed evaluation, investigation and subsequent mitigation of the on-site listed buildings and known/unknown archaeological deposits of national importance. Historic England have further advised that the proposed site masterplan misses some opportunities to deliver a high-quality integrated development which is both distinctive and enhances the listed remains of the castle.

Specifically Historic England requested the submission of a Written Scheme of Investigation, a Conservation Management Plan, a Tier 1 'first conceptual model' Water Environment Assessment and amendments to the development scheme to better relate the public realm and the outline plots to the listed buildings on site and a more coordinated approach between the detailed and outline elements of the scheme. In addition to this the South Yorkshire Archaeology Service (SYAS) requested further information on level changes in relation to archaeological remains, retaining walls, expected engineering requirements and drainage.

In response the applicant has provided an updated historic environment desk-based assessment and conservation and mitigation strategy, together with a new written scheme of investigation (WSI) and updated drawings providing further information on retaining structures and proposing a revised treatment to the Exchange Street stepped access down to the Gatehouse Courtyard (widened and chamfered).

Any further comments from Historic England and SYAS on these items of further information and revised proposals will be reported to Committee. However, irrespectively, it is considered that there is a sound basis for moving forwards and consenting the proposed development subject to a rigorous set of planning conditions putting in place protections to ensure that excavations are undertaken under archaeological direction/ supervision and that all necessary further

evaluation work is completed following the set piece excavation of the gatehouse area and prior to fixing the plans for this area of the site.

It is considered that this approach will allow the finalised plans to be appropriately informed by the required additional set-piece excavation work and subsequent evaluation, whilst protecting archaeological features from damage. This staged approach will also allow the project to move forward in a timescale which is compatible with the spending of the Levelling Up Funding - the programme for which would not permit any substantial delay to allow further evaluation and/ or investigations before commencing development.

The approach proposed (of utilising planning conditions to allow development to proceed on less archaeologically constrained parts of the site under a written scheme of investigation/ conservation mitigation strategy, whilst preventing any development of the parts of the site where archaeology is most likely to be affected by the proposals until further archaeological investigations and evaluation have taken place) also seems to be consistent with the advice of Historic England on evaluation phases, as follows:

We agree with your authority that a clear and strategic first evaluation phase of archaeology works is required. This would occur without LBC. For the avoidance of doubt, we understand the first evaluation phase to mean all ground-breaking works which expose the listed buildings (including the concrete superstructures) and archaeological deposits but without any intervention to these. It is our understanding that this will take place through set-piece excavation with the WSI appended to the current application. An appropriate assessment and recording strategy will be provided as part of this first evaluation phase, the details of which will be included in the WSI.

The initial exposure of these listed buildings and archaeological deposits will determine the end of the first evaluation phase. Subsequent phases of evaluation would be informed by this initial phase but would be required to fully establish the extent and condition of the listed buildings and archaeological deposits. These phases should constitute the minimum investigation required. As these works would form an intervention to the listed buildings, we understand that at this point an LBC will be submitted with accompanying WSI and CMP appended as part of the application.

We welcome this staggered approach to the evaluation phases and we strongly support the submission of an LBC prior to intervention to the listed buildings. Realistically, it is anticipated that there will be sequential cycles of evaluation and investigation to refine the approach to the site. The LBC, WSI and CMP should be sufficiently robust to incorporate this.

Fundamentally it is considered that the applicant has collated a large body of information on the archaeological condition of the site, evaluated that information, appropriately delineated the parts of the site which are more and less archaeologically sensitive, designed the development scheme to avoid substantial disturbance to the more archaeologically sensitive parts of the site (in terms of both the development plots and the approach to level changes) and proposed a set of

archaeological protections and decision making rules within the submitted conservation mitigation strategy which will allow the development to proceed safely without substantial harm to archaeological assets or their significance.

There remains some risk and uncertainty in relation to what will be uncovered during development works and, in particular, the excavation of the Gatehouse courtyard area, as highlighted by Historic England. However Officers advise the Committee that the level of risk and uncertainty is tolerable and that sufficient information has been provided to be confident that the development scheme has been appropriately designed to minimise the risk of any substantial harm to below ground remains and to approve the proposed development subject to a rigorous set of planning conditions which will ensure that a robust decision making process is in place to manage all archaeological remains encountered and adapt the development scheme accordingly.

The proposed protections set out in the conditions recommended at the beginning of this report are considered to be sufficiently robust to ensure that the proposed development does not result in any substantial harm to the designated and undesignated assets located within the proposal site. It is further considered that any limited harm which is necessary to deliver the proposed development would clearly be counterbalanced by the public benefits associated with regenerating and activating the site, as well as facilitating better public engagement with castle remains through the exposure and celebration of the gatehouse and drawbridge pier.

In relation to the impact of the proposed built development on adjacent listed buildings, it is noted that the proposal site is within the City Centre, was previously occupied by large buildings and has never been designated as permanent open space. Therefore, it cannot be expected for the site to remain clear or to be occupied by only low-level buildings in order to preserve views of listed buildings through the site – including the Old Town Hall.

It is further considered that the applicant's proposals to widen the originally proposed gap between Plot 1 and Plot 2 to 15.5 metres represents a reasonable adjustment to provide for an improved relationship between the development and the Old Town Hall. Given its heterogenous and highly developed urban context, it is not considered that the impact of the development upon the setting of the Old Town Hall (even at the maximum proposed scale parameters for plots 1 and 2) would be substantially harmful. It is further considered that any limited (less than substantial) harm to the setting and significance of the Old Town Hall or the other designated heritage assets within the locality would be counterbalanced by the public benefits associated with regenerating and activating the site.

Overall, and subject to the recommended planning conditions, the proposed development is considered to be consistent with the relevant national and local planning policy framework relating to the protection of designated and undesignated heritage assets, including archaeological remains, in terms of there being a reasonable and credible basis to conclude that the level of harm which the development would pose to relevant heritage assets would be less than substantial and counterbalanced by the public benefits associated with the proposal, including

regeneration and heritage interpretation benefits.

It is therefore considered that the proposal is acceptable in relation to heritage matters and that there is sufficient information available at this stage to approve planning permission subject to conditions requiring archaeological direction and supervision of parts of works on parts of the site with higher archaeological sensitivity, further archaeological investigation and evaluation of the gatehouse area prior to fixing plans for this element of the development and the approval of a conservation management plan prior to the development being brought into use.

Design and landscape Issues

Paragraph 130 of the NPPF says developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and be sympathetic to local character and history, including the surrounding built environment and landscape setting.

The NPPF also says that developments should establish or maintain a strong sense of place, create attractive, welcoming and distinctive places to live, work and visit and create places that are safe, inclusive and accessible and which promote health and well-being - where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Core Strategy Policy CS 74 sets out the design principles which the council expects to be adopted. It says that high quality development will be expected and says that it would be expected to take advantage of and enhance the distinctive features of the city including the townscape and landscape character of the city's districts including the scale, layout, built form and building materials. It also says that development should contribute to place making, that contributes to a healthy, safe and sustainable environment and promotes the city's transformation. It should help to transform the character of physical environments that have become run down and lack distinctiveness and should enable all people to gain access safely and conveniently.

Policy CS 74 conforms with the NPPF and therefore should be given significant weight. The UDP also includes various design policies; however these are generally considered to carry less weight due to their age and the key design criteria against which the proposal should be tested is considered to be encapsulated by the NPPF and Core Strategy policies set out above.

The development proposal includes 5 buildings applied for in outline form (in relation to which the applicant has set out scale parameters and devised a design code) and a new public park applied for in full form (with full levels hard and soft landscaping and associated engineering plans provided). Both of these elements of the development must be assessed against the design policies referenced above.

The submission explains that community engagement undertaken by the project team has informed the design approach and was used to establish 6 'design

pillars': (1) Sustainability; (2) Connectivity and key gateways; (3) Health and wellbeing; (4) Historical and cultural heritage; (5) Arts and events; and (6) Skills and development.

In relation to layout, the overall disposition of the building plots, access routes and open spaces have been the subject of considerable discussion prior to the submission of the current planning application. This has been informed by a number of factors including archaeological remains, levels/ physical constraints and stakeholder engagement.

The position of the building plots has been informed by both urban design principles and their relationship to sensitive archaeological remains within the site. Plots 1 and 2 are situated to the west and south respectively, with Plot 3 located east of Market Tavern to avoid intruding into the area of the former castle. It is considered that the layout of the proposed park, access routes and building plots is generally well considered in terms of providing positive built development fronting onto the main streets adjacent to the site, orientated towards the City Centre, whilst allowing the development of a highly accessible public park incorporating an interestingly varied but cohesive series of spaces on different levels with a commodious and direct Access Spine through.

Two exceptions to this were identified in the initial assessment of the application (including through stakeholder consultation) in relation to the design of the proposed accesses from Waingate and Exchange Street. The originally proposed width of the entrance between Plots 1 & 2 was not considered to achieve a welcoming or legible access from Waingate. In addition, it was identified that a wider access could assist in retaining views of the Old Town Hall and associated clock tower which should ideally be taken as an opportunity within the scheme design.

In addition, it was assessed that the stepped access from Exchange Street down to the Gatehouse Courtyard was relatively narrow and somewhat hemmed in between the buildings. A wider approach and broadening of the steps so these are splayed would allow for a less constrained entrance and better reveal the castle gatehouse ruins which are situated in front of the steps at this entry point.

To address these concerns the applicant has revised their scheme design to (a) set-back Plot 1 at street level from the Waingate access to allow a wider gap (increased to 15.5 metres) and chamfer the southern end of the Plot 1 building above street level to better reveal the Old Town Hall and clock tower; and (b) widen the stepped access and chamfer the western end of Plot 2 to provide a broader stepped access which opens out into the Gatehouse Courtyard in a more welcoming manner. It is considered that these revisions address the identified concerns with the originally submitted site layout and that the revised layout is acceptable in design terms.

In relation to scale and massing, the proposed maximum building heights for each plot is considered to strike an appropriate balance between ensuring that an appropriate scale of development is delivered in respect of minimum height i.e. to adequately enclose Waingate and Exchange Street, whilst not being so high so as

to appear dominant within the site's context or overshadow the new spaces within the site.

The design code references both minimum and maximum building heights to ensure a height range that is consistent with the scale of the local context as well as supporting the legibility of the scheme by using height to express the main entrance at the junction with Waingate and Exchange Street. Additional height (5 to 6 storeys) would therefore be allowed on Plots 1 and 2 at the entrance with Waingate.

The minimum eaves height of Plot 1 has been selected to match those of the Old Town Hall (71.5AOD). Additional floors on the southern end of Plot 1 would potentially increase the height to 81.3AOD. This would be higher than the Old Town Hall - although is not considered inappropriate relative to the immediate context. Nevertheless, there is an interplay between Plots 1 and 2 and it is considered necessary to manage any height difference between these plots to prevent a big jump in height from one building to another. As such, the applicant was requested to amend the design code to require any height difference to be no greater than one storey between these two plots – this has been done.

One of the principles of the Design Code is for a 'façade' zone, which requires facades to be located within 2m of the edge of the street to re-instate a strong built edge to the street through definition and enclosure of plot. This also provides a small degree of flexibility regarding exactly where the outer edge is positioned. The Plot 1 building line would also be set back behind the current hoarding line to facilitate slightly wider footways along Waingate with a marginally wider distance between Plot 1 and the Old Town Hall.

Overall, the submission is considered to provide a considered approach and a reasoned justification for the height, scale and massing of the proposed development plots.

In terms of architecture and materiality, the detailed architectural design of the individual plots is not for consideration at this stage – as they are only applied for in outline form. There are currently no end users identified and as such the range of uses and building designs are unknown at this stage. To help manage this uncertainty any grant of planning permission would be subject to meeting the requirements of a design code, the details of which are incorporated within Part 6.0 (Plot Strategies) of the Design and Access Statement, provided in support of this submission.

The success of the individual plots and their collective contribution to the local townscape, including their relationship with nearby heritage assets, will depend on the approach to their detailed design. However, the proposed code is considered to address the majority of key design fixes over which the LPA could wish to have certainty about at the outline stage and set appropriate design standards and quality expectations alongside the scale parameters.

In terms of landscape design of the public realm, it is considered that the proposal is generally well resolved and offers the potential to form a high-quality new park

within the centre of the city. The differing eras of the site's extensive history is proposed to be represented within the public realm, through use of reclaimed materials within street furniture and site features. Public art interventions will further interpret various aspects of the site's history and different spaces would be created at different levels.

The incorporation of SuDS features will assist in managing surface water and environmental enhancement of the site. Lighting will also contribute an important safety feature to encourage safe movement through the site at night. This is supported by a lighting strategy with an indicative lighting plan. A detailed lighting design will be managed by condition to confirm lighting unit designs and locations.

The public art strategy which has been submitted provides a framework for the delivery of various public art strands across the development, as physical pieces, interactive works or temporary events or activities. The intention is to celebrate and explore the site rich history, character and stratigraphy, whilst enhancing the legibility and placemaking aspects of the scheme. Full details of the specific public art installations are proposed to be reserved by planning condition.

In relation to accessibility and secure by design considerations the supporting submission demonstrates that these matters have been considered as a fundamental part of the scheme design. For example, the core underpinning element of the design is the delivery of a step free Access Spine through the site, which will be a wide paved and lit route with seating opportunities which will provide high quality access through the site for those with limited mobility. In addition, the lighting and access design has been designed with security considerations in mind – with full details reserved by planning condition.

The one exception to this is the proposal to retain site hoardings around the development plots prior to their development - which is considered to unacceptably prevent natural surveillance of the site from surrounding streets and also provides a poor quality approach to the site from the city centre. However, it is considered that this matter can be resolved through the imposition of a planning condition requiring a permeable boundary treatment to the development plots in the meantime between the completion of the public realm and the development of the plots (such as railings). The applicant is aware of this requirement and has not objected to the condition.

Subject to conditions reserving further approval of detailed design elements as described above, the design of the public realm is considered to demonstrate a creative and interesting response to the many challenges posed by this site and is considered to be acceptable in relation to the local and national planning design criteria referred to at the start of this section.

Overall, and subject to conditions securing adherence to the design code and scale parameters for reserved matters submissions for built development as well as approval of details of detailed design elements of the public realm, it is considered that the development's design quality is good, that the development will relate well to the surrounding environment and townscape and that the completion of the development scheme should significantly improve the environmental quality of the

locality and the sense of place of Sheffield, including through allowing better engagement of the public with the elements of Sheffield's history which will be presented on the site. The application is considered to be in accordance with NPPF Section 12 and Core Strategy Policy CS74 in respect of design quality, accessibility and safety.

Watercourse Impacts, Flood Risk and Sustainable Drainage

Paragraph 167 of the NPPF says that, when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Paragraph 169 says that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

Paragraph 174 says that development should, wherever possible, help to improve local environmental conditions such as water quality, taking into account relevant information such as river basin management plans.

Core Strategy Policy CS48 says that a network of informal, public open spaces in the City Centre will be provided and enhanced to cater for residents, workers, shoppers, tourists, students and other visitors (including at the proposal site). This policy also specifically requires improvements to be made to the environment and accessibility of all rivers and riversides and the canal and canal-sides, opening up culverted rivers and providing walkways where appropriate.

Core Strategy policy CS63 says that action to adapt to expected climate change will include locating and designing development to eliminate unacceptable flood risk and adopting sustainable drainage systems. Policy CS67 says the extent and impact of flooding will be reduced by requiring that all developments significantly limit surface water run-off and requiring the use of Sustainable Drainage Systems on all sites where feasible and practicable. These policies are consistent with the NPPF and so should be given significant weight.

The proposal site (including all 5 development plots) is predominantly within Flood Zone 1 (lowest probability of flooding) and therefore the development is acceptable on flood risk grounds - providing the effect of the development is not to increase on or off site flood risks. Additionally, the policies referenced above require that the development does not degrade and, if feasible, enhances water quality and for the development to improve the quality and accessibility of the section of the Sheaf running through the site and de-culvert it (where appropriate).

The proposals provide for the partial de-culverting of the Sheaf and also propose the delivery of a SUDS system running through the site including bioswale and raingardens. The de-culverting proposals are essentially to remove the lid off

approximately two thirds of the culvert accommodating the Sheaf which runs through the site, lower part of the side walls, remove part of the existing weir and naturalise the culvert bed by laying gravel beds, placing boulders and constructing a fish-pass.

The SUDS system design is to serve both the new public park and also the development plots and proposes surface water disposal to watercourse (the Sheaf) via a private drainage system. The peak discharge rate would be 7.6l/s which reflects greenfield run off rates for the site. Water quality mitigation would be provided via green and blue roofs, swales, rills, and rain gardens. Source control in the development plots would limit each outfall to 2l/s peak discharge into the public realm drainage system.

It is considered that the proposals to de-culvert a substantial part of the River Sheaf, improve the river bed and banks and incorporate surface SUDS in the public realm represent very significant and positive improvements to the water environment on site. It is also recognised that River Sheaf is substantially lower than the development site and therefore connectivity between the river bank and the public realm, whilst desirable, is acknowledged to be more problematic to achieve than on other sites where the level difference is lower.

The majority of public comments on the site, as well as those from a number of stakeholder organisations, including the Sheaf and Porter Rivers Trust, Friends of Sheffield Castle, Sheffield Conservation Advisory Group and British Canoeing, have raised concerns that the proposed development scheme does not go far enough in terms of its failure to: (a) fully de-culvert the section of the River Sheaf running through the site and (b) provide for public access down to the river. However, it is noted that the role of the planning system is to assess each development proposal upon its merits against relevant planning policy tests and criteria rather than to consider whether the proposal is the best of all possible development schemes for the site. In addition, the Environment Agency have suggested a planning condition requiring full de-culverting on the site.

In this instance it is considered that the proposed works to de-culvert the majority of the section of the Sheaf which runs through the site, naturalise the river bed and provide a public promenade integrated within a new parkland to allow people to view the Sheaf, will be of substantial benefit in terms of both the quality of the watercourse and public engagement with it. It would clearly be preferable for the public realm to be designed to allow safe access to the river (as is the case at the nearby Nursery Street pocket park) and for the full extent of the River Sheaf within the site to be de-culverted.

However, the applicant has explained the limitations and constraints which have led to the chosen design solution – in terms of both practical / topographical and budget limitations - and ultimately the role of the planning authority is to assess the acceptability of the submitted scheme rather than to attempt to redesign the scheme to arrive at a better design solution. In this instance it is considered that the proposals are acceptable in terms of the relevant planning policy tests relating to flood risk, sustainable drainage and watercourse quality improvement (as referenced at the beginning of this section) in that they will provide for an increase

in the extent of the River Sheaf which has a naturalised river bed and is open to daylight and will deliver a good quality SUDS system on the site which should successfully mitigate flood risk and water quality issues associated with the development scheme and is likely to result in an overall improvement in water quality compared to the current site condition.

Furthermore, it is not considered that the condition requested by the Environment Agency, to require full river de-culverting as part of the public realm works, would pass the NPPF paragraph 56 test of being necessary to make the development acceptable. The Environment Agency have also objected to the application on the grounds that the applicant has not yet had their hydrological model signed off. However, it is considered that this issue can reasonable be resolved and the development made acceptable through the use of conditions – as advocated at NPPF paragraph 55.

It is consequently recommended that a pre-commencement condition is imposed which would prevent any development taking place on the relevant part of the site (the Sheaf and riparian buffer) until a de-culverting method statement has been approved. The method statement would be expressly required to be informed by a model and modelling report that has been checked and signed off by the Environment Agency and to provide full details of the proposed works to the banks and bed of the watercourse. A separate condition would require details of the fish pass.

These recommended conditions would allow works to progress on the parts of the site unconstrained by the watercourse whilst ensuring that no works could be undertaken to the watercourse without full details, informed by an approved model. An Environmental Permit will also be required for the de-culverting works from the Environment Agency – which adds another layer of protection. A separate condition would specify the reserved matters required to be submitted before the further de-culverting of the remaining section of culvert could proceed – with full de-culverting proposed in outline form subject to funding for the further works becoming available.

Yorkshire Water have objected to the development on the grounds that the proposed public realm would involve build over of two sewers which cross the site. However, the applicant has proposed to address this through a build over agreement – which can be addressed separately between Yorkshire Water and the applicant. Considering the depth and alignment of the relevant sewers and that nature of the development which would be built over them (primarily landscaped open space) there are not considered to be any reasonable grounds to conclude that the proposed development would pose any significant risk to the sewers within the site or lead to any planning policy conflicts in this regard.

Subject to conditions reserving approval of full de-culverting details, informed by an approved model, implementation of the proposed SUDS scheme within the public realm, installation of blue roofs on the buildings proposed for Plots 1, 2 and 3 and associated outfall restrictions, it is considered that the proposed development is acceptable in relation to watercourse improvement, sustainable drainage and flood risk matters in accordance with NPPF paragraphs 167, 169 and 174 and Core

Strategy Policies CS48, CS63 and CS67.

Ecology

Paragraph 174 of the NPPF says that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other matters) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan) and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

The proposed development will transform the majority of a despoiled brownfield site (with limited natural regeneration) into a new public park with extensive shrub and tree planting and SUDS utilising landscaping principles already tried and tested through the grey to green project. In addition, the proposal involves daylighting part of the River Sheaf, naturalisation of its bed, partial removal of a weir and provision of a fish-pass. As such it is considered that the proposal will inevitably result in significant ecological enhancement of the site and wider area. However, it is still necessary to ensure that the ecological baseline is sufficiently understood and any potential adverse impacts of the development works on species or habitats are adequately avoided, mitigated or compensated for using the mitigation hierarchy, as well as achieving biodiversity net gains.

The applicant has submitted a Biodiversity Net Gain Feasibility Report in support of the planning application, which is essentially a Preliminary Ecological Appraisal (PEA) with an initial Biodiversity Net Gain (BNG) assessment. The Council's ecologists have advised that the report is of a sufficiently good standard to assess the planning application. The report advises that the site comprises mostly hard surfaces and pockets of ephemeral / scrub habitat with current limited ecological value.

In terms of species, the report advises that the culverted section of the River Sheaf contains a roost of Daubenton's bat, assessed to be of 'local' importance. The conservation status of the species should be at the very least maintained but ideally to improved. Further information is required to complete the assessment of impact and mitigation, including a further bat report. The decision on whether to de-culvert the southern section of the Sheaf culvert (which is currently applied for in Outline form only) should be partly informed by the findings of the further bat report as should the extent and magnitude of site lighting.

Otters are also present within Sheffield's river system, particularly on the River Don from north Sheffield through to the City's east end. They are an elusive mammal, protected under the Conservation of Habitats and Species Regulations and the Wildlife & Countryside Act. As there is potential for disturbance to resting or feeding places, an otter survey is also required to be carried out. This can be done at any time of year but spring is optimal. The findings of this survey work may inform the detailed proposals for the river bed naturalisation in terms of optimisation for otters and avoiding harm during construction.

The site is identified as having some potential for nesting birds due to the presence of scrub habitat. Any clearance works should ideally avoid the bird nesting season (March 1st – August 31st), but if work is to be carried out during this time a nesting bird check should be carried out by a suitably qualified person. All wild, birds, their active nests, eggs and young are protected under the Wildlife & Countryside Act 1981. This information will be relayed to the applicant via a Directive on the Decision Notice.

In terms of the Biodiversity Net Gain (BNG) assessment, the submitted report includes an initial appraisal of potential 'net gains', which are predicted to be in the region of 19.96% [habitat] net gain and 176.03% net gain in river habitat units. This is clearly an acceptable position in policy terms based on the scheme as it is currently understood but not final and the ecologists have recommended a BNG Design Stage Report to confirm the level of net gain.

The Sheffield and Rotherham Wildlife Trust have objected to the application on the grounds that the further ecological survey work and ecological impact assessment is outstanding. However, it is considered that sufficient information has been submitted to understand the ecology issues relevant to the proposed development and to be confident that the proposed development is ecologically acceptable, subject to further survey work to inform detailed mitigation proposals – such as designing the lighting scheme to provide a dark corridor along the watercourse and optimising the river bed works for otters and fish.

A set of planning conditions is therefore proposed which reserve approval of a Construction Environmental Management Plan (CEMP); Fish-Pass Scheme; Lighting Scheme; Landscape and Ecological Management Plan (informed by the findings of an Ecological Impact Assessment and a Biodiversity Net Gain design stage report) and require implement of the mitigation and further survey work set out at Section 6 of the 'Biodiversity Net Gain (BNG) – Biodiversity Net Gain Feasibility Report'. These conditions provide certainty that the development scheme will be fine tuned and managed to best mitigate ecological impacts and enhance biodiversity based upon the findings of further survey and impact assessment work.

Overall it is considered that the submission demonstrates that the development scheme will enhance the natural environment and minimise impacts on and provide net gains for biodiversity. Consequently, and subject to the planning conditions described above, it is considered that the proposal is acceptable in terms of ecology and biodiversity matters in accordance with paragraph 174 of the NPPF.

Traffic, Transportation & Air Quality

Paragraph 110 of the NPPF says "In assessing Sites that may be allocated for Development in plans, or specific applications for Development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

Paragraph 113 says “All Developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

Paragraph 104 says “Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.”

Paragraph 111 says “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.”

Policy CS53 is concerned with management of travel demand which will be managed to meet the different needs of particular areas. It says this will be done through:

- promoting good quality public transport and routes for walking and cycling to broaden the choice of modes of travel;
- making best use of existing road capacity through the use of variable-message signing and Intelligent Transport Systems;
- implementing Travel Plans for new developments to maximise the use of sustainable forms of travel and mitigate the negative impacts of transport, particularly congestion and vehicle emissions;
- active promotion of more efficient and sustainable use of vehicles through car clubs, car sharing to increase vehicle occupancy and incentives for using alternatively fuelled vehicles. These will be associated with new residential and commercial developments and particularly in the City Centre;
- creating Controlled Parking Zones to manage traffic levels in constrained

- locations and encourage the use of more sustainable modes of travel, with priority to include the eastern end of the Lower Don Valley.
- applying maximum parking standards for all new developments to manage the provision of private parking spaces.

Many of the transport policies in the Unitary Development Plan have been superseded by the Core Strategy. However, policies T8 and T10 say that pedestrian and cycle routes will be improved. New development will be required to provide links with existing and proposed pedestrian and cycle routes. Cycle parking will also be expected in new developments.

Policy T16 says that controls and parking and access roads will be used to regulate private traffic and reduce congestion where demand for trips by car exceeds the capacity of the Strategic Road network.

Policy T21 says that provision will be made for car parking where it meets the operational needs for businesses or is essential for the viability of a new development, provided it complies with the car parking guidelines. It also says that parking will be regulated to prevent excessive peak hour congestion.

Policy T28 says that new development which will generate high levels of travel will be permitted only where it can be adequately served by existing infrastructure or improvements to infrastructure linked to the development. It says that development will be promoted where it is best served by public transport and where it is located to reduce the need to travel. Where transport improvements are required, they will normally be provided before any part of the development is occupied.

The development plan access policies are generally consistent with the NPPF and therefore should be given significant weight, except policies T8 and T10 where the priorities identified are superseded by Core Strategy policies so they should be given moderate weight, and T21 where the NPPF focus shifts to more sustainable access and therefore this should be given some weight.

Paragraph 186 of the NPPF says that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

Core Strategy Policy CS66 says action to protect air quality will be taken in all areas of the city. Further action to improve air quality will be taken across the built-up area, and particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets. Policy CS66 is consistent with the NPPF focusing on acting where air quality exceeds national targets, therefore the policy should be given significant weight.

The proposed development will be a high trip generator in terms of the people

attracted to use the new public park and also the users/ occupants of the built development plots. The proposal site is a highly accessible location within Sheffield City Centre adjacent to a high frequency bus corridor and within a reasonable walking distance of tram stops and a railway station. The proposal site is in an appropriate location for a high trip generating development and is therefore acceptable in principle in relation to the sustainable transportation locational criteria referenced above.

In terms of on-site transport infrastructure, this would primarily comprise new walking and cycling routes through the site connecting to Waingate, Castlegate and Exchange Street and cycle storage infrastructure. There is no parking provision proposed at this stage and no parking requirement is envisaged for the Outline development plots. Servicing would be provided for the public realm via maintenance vans utilising the Access Spine (which will be designed for this purpose) and the Outline development plots would be serviced on-street via specific locations identified on Waingate and Exchange Street.

A Transport Statement (TS) and Travel Plan has been submitted to support the application which find that the transport impacts of the proposed development can be accommodated on the local transport network and propose a suite of measures to promote sustainable transportation.

In relation to active travel the TS assess that:

'The pathways within Castle Site will allow visitors to get the most out of the attractions within Castle Site, while providing greater connectivity between the city centre and Castlegate. The proposed active travel routes will encourage increased footfall through the area in addition to Castle Site, making it an attractive environment for pedestrians.'

In relation to trip generation the TS assess that:

'Overall, the development would generate 59 person trips (two-way) in the AM Peak Hour and 55 person trips (two-way) in the PM peak hour. Around 50% of all trips would be undertaken on foot, with 21 and 20 vehicles trips (two-way) in the AM and PM peak hour respectively.'

In relation to additional parking demand the TS advises that:

'Any parking demand, which will be low, would be provided for in the local off-street and on-street parking provision. Other car parks located close to Castle Site may see an increase in usage because of the development. However, this impact will be low given the overall level of vehicle trip generation.'

South Yorkshire Mayoral Combined Authority (SYMCA) have advised that they support the approach to minimise additional parking in the proposals and instead encourage trips via active travel and public transport. However, in order for the site to connect effectively, SYMCA advise that it will be necessary to alter and improve elements of the existing public transport infrastructure including bus and tram

stops.

It is proposed to address this requirement through the imposition of a phased planning condition requiring a Public Transport Infrastructure Improvement Scheme to be submitted covering each successive phase of the development. The scheme would include provisions for the delivery of elements of the works specified by SYMCA proportionate to the Gross Floor Area which would be delivered through the relevant part of the development.

In addition, it is proposed to impose a separate condition requiring a Street Works Scheme associated with the public realm works. This scheme would need to include details of all works required to adjust and make good existing street furniture, bus stops and surfaces on Waingate, Exchange Street and Castlegate in order to facilitate the approved public realm works and ensure the free flow of pedestrians and cyclists both through and around the site and that existing bus stops remain accessible and conveniently located.

In relation to Air Quality issues, an Air Quality Screening Assessment has been provided by the applicant which finds that:

'A review of current legislation, planning policy and a baseline assessment describing the current air quality conditions and a traffic data screening in the vicinity of the proposed development was also carried out. The proposed development does not contradict policy or legislation relating to air quality.'

It is considered that the primary form of mitigation embedded within the proposed development is locating a high trip generating development within a highly accessible location - minimising the need for users of the development to travel by car. However additional mitigation is proposed and would be required by planning condition including the provision of cycle storage infrastructure and travel plans for each development plot.

Subject to reservation of full details of plot by plot: (a) servicing arrangements; (b) cycle storage arrangements (c) public transport infrastructure improvements, and (d) a detailed Travel Plan for each phase of development, together with full details of the street works on Waingate, Exchange Street and Castlegate which will be required to deliver the project, it is considered that the proposed development is acceptable in relation to traffic, transportation and air quality matters in accordance with the national and local planning policies and criteria referenced at the beginning of this section.

Pollution Issues: Ground Conditions, Dust and Noise

Paragraph 183 of the NPPF says that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).

Paragraph 185 says that planning policies and decisions should also ensure that

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

In assessing pollution issues the LPA should be aware of the guidance at paragraph 184 of the NPPF that *‘Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner’* and at 188 that: *‘The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.’*

The proposed development has the potential to cause pollution and disturbance during both the construction phase and the operational phase. Potential pollution issues include mobilisation of any below ground contaminants, opening up of new pollutant linkages, dust arising from earthworks during the construction phase and noise - both from construction activities and uses taking place on the finished development.

In order to assess these matters the applicant has submitted a Phase 2 contamination risk assessment (ref. PC06347-ARP-XX-XX-RP-CG-15701), Air Quality Screening Assessment (ref. PC06347-ARP-XX-XX-RP-Y-00701) and Sustainability Statement (ref. PC06347-ARP-XX-XX-RP-YE-00703). The Phase 2 assessment advises that:

The ground investigation found very variable made ground across the Site with thickness varying particularly due to existing retaining walls within the site and the presence of a former moat that has been infilled.

A geoenvironmental risk assessment identified limited exceedances of screening criteria for human health for lead and PAHs. There is a plausible pollutant linkage between site users and residents coming into contact with contaminated soils. This can be mitigated with a clean cover system in areas of soft landscaping.

Any excavated soils are likely to be chemically and geotechnically suitable for reuse as general fill. Site won material is not considered to be suitable as a growing medium and topsoil will be required to be imported to form a clean cover system.

Made ground beneath the Site and the surrounding land and possible alluvium adjacent to the site has been identified as a potential source of ground gases. Three ground gas monitoring visits were carried out and a Characteristic Gas Situation CS1 was derived. No ground gas protection measures would be required.

The Silkstone Coal outcrops approximately 600m to the south of the Site and underlies the Site. The Silkstone Coal is anticipated to be at around 0mOD to -10mOD beneath the site, which is around 50mbgl. Due to the depth of coal and proposed development the risk from coal workings on the development is negligible. This does not include the building development plots where risk associated with coal workings will require further assessment depending on the proposed development.

The Council's Contaminated Land Officer has reviewed the submitted report and raised no objection to the application, subject to the imposition of planning conditions requiring further ground gas risk assessment and the approval and implementation of identified remediation measures (cover system and potential gas protection within buildings). Subject to these conditions it is considered that the applicant has adequately address land quality and stability issues.

In relation to construction site noise and dust the Sustainability Statement confirms that:

The contractor will be required to make efforts to reduce the disruption experienced during the construction process. The following measures will be used:

- *Dust generating activities will not be located close to site boundaries to sensitive receptors.*
- *Erect barriers around dusty activities*
- *Minimise unpaved haul roads and hard surface all major haul roads.*
- *Damping down haul roads inside and outside the site.*
- *Wash and clean vehicles leaving the site.*
- *Limit the use of stockpiles and enclose where used.*

The list is not exhaustive, and a more detailed strategy will be produced by the contractor. Other construction impacts such as noise and traffic disruption will also be limited. Measures to control noise include carefully controlled vehicle movements and erecting acoustic screens. Traffic disruption can be limited by appropriate routing of construction traffic.

Subject to the imposition of planning conditions requiring the approval of (a) the means of ingress and egress for vehicles engaged in the construction; (b) details of the site accommodation; (c) details of wheel cleaning equipment; and (d) a Construction Environmental Management Plan (CEMP), it is considered that there is no reasonable basis to conclude that the development would be likely to cause unacceptable adverse impacts during the construction phase in relation to noise, dust or any other pollution issues.

In relation to operational noise issues, the applicant has indicated the potential for the new public realm to be used for events. However, events already take place on Castlegate e.g. the Pollen Market and Castlegate Festival, and it is considered that such events could adequately be controlled to work with local resident and minimise the potential for disturbance through normal city centre management arrangements.

In relation to the noise which may be generated by the occupants of the Outline development plots, it should be noted that the site is within a dense city centre environment surrounded by a range of uses including nightclubs, bars and venues, with relatively high ambient noise levels. As such it is not considered necessary to preclude specific uses or control hours of operation through planning conditions at this stage. However it would be possible to impose any relevant controls on specific reserved matters applications which gave cause for concern and, irrespectively, any occupant would be subject to relevant licensing requirements and controls under the Environmental Protection Act 1990.

Overall it is considered that the application has provided sufficient evidence to be confident that unacceptable environmental impacts should not occur during either the construction or operational phase, subject to control through the planning conditions recommended at the beginning of this report and also separate pollution control regulations. It is consequently considered that the proposal is acceptable in relation to pollution matters and accords with the national and local planning policies referenced at the beginning of this section.

Sustainability

Paragraph 7 of the NPPF says the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 says the achieving sustainable development means that the planning system has three overarching objectives, an economic objective, a social objective and an environmental objective which are interdependent and need to be pursued in mutually supportive ways. Paragraph 9 says they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

The key way in which the planning system can help to contribute towards sustainable development is by ensuring that development is delivered in the right locations in order to minimise the need to travel and create walkable neighbourhoods. In this instance the proposal site is within a central urban location which is considered suitable for a mixed-use public realm and built development (as proposed) which is a high trip generator and the proposals are considered to consequently be consistent with the principles of sustainable development in this regard.

In addition to this the planning system seeks to contribute to sustainable development by promoting development schemes which minimise embodied carbon, maximise energy efficient building design and generate renewable or low carbon energy. In terms of specific policy requirements Core Strategy Policy CS65 requires all significant developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy (or an alternative fabric first approach). NPPF paragraph 157(b) requires that developments take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

In terms of the proposed public realm works, the undertaking of the public realm improvement scheme will require expenditure of carbon to implement the works, including utilisation of heavy plant during the cut and fill exercise and transportation of fill material to the site. However, the public realm development proposals are generally considered to be consistent with the principles of sustainable development – in that the works will transform a despoiled brownfield site and culverted river into a regenerated new parkland area including substantial biodiversity enhancement planting and opening up of part of the watercourse.

In terms of the layout of the proposed buildings, it is accepted that this has been dictated to a large degree by archaeological constraints and also the location of the primary streets adjacent to the site. However, the building plots are all required to be dual aspect by the design code, which should provide opportunity to balance solar gain and shading through the fenestration strategy to enhance energy efficiency. The design code also requires that all buildings achieve BREEAM Excellent as a minimum (or the equivalent standard at the time of the application). It is further proposed to impose a series of conditional requirements for sustainability enhancements to the development including:

- (a) a report identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy;
- (b) a scheme for the provision of blue roofs on the buildings to be developed on Plots 1, 2 and 3;
- (c) a scheme for the provision of a green/ biodiverse roof on the buildings to be developed upon the Outline plots - where viable and where the roof space is not required for another exclusive purposes such as surface water storage or solar energy generation;
- (d) a travel plan setting out objectives and measures to minimise the proportion of staff, visitors and residents that travel to the site by private car;
- (e) cycle storage facilities within each plot;
- (f) delivery of the proposed Sustainable Urban Drainage System within the public realm, including bioswale and raingardens;
- (g) management of the public realm in accordance with a Landscape and Ecological Management Plan.

Subject to these planning conditions, the proposal is considered to be consistent with relevant sustainability requirements in accordance with paragraphs 7, 8 and 9 and Section 14 of the NPPF and Core Strategy policies CS64 and CS65.

SUMMARY AND RECOMMENDATION

The proposed development project is designed to transform a despoiled brownfield site within a generally run down part of the City into a new public park, together with constructing 3 new residential, commercial or institutional buildings and 2 smaller buildings in the park itself. The works to create the new public park are proposed in detailed form whereas the buildings are applied for in outline only.

The proposal also includes the de-culverting of the section of the River Sheaf

which runs through the site. Two thirds of the Sheaf de-culverting is proposed to be undertaken now as part of the public realm improvement works and is applied for in Full form, with the remaining third proposed in Outline form to be progressed at a later date subject to further funding becoming available.

The site is complex in terms of both topography and below ground archaeology. A series of archaeological investigations have taken place on the site over the course of the 20th century and most recently in 2018 which have established that the site contains important archaeological artefacts dating from both its historic occupation by Sheffield Castle and more recent industrial history.

The proposed development scheme has been designed to minimise impact on below ground archaeology. This is in terms of both the landform which will be formed for the public realm (which will minimise excavations in archaeologically sensitive areas) and also the delineation of Outline built development plots.

The applicant also proposes to undertake an extensive further set piece archaeological excavation within the part of the site known to include preserved remains of the historic castle gatehouse and drawbridge pier. These remains are proposed to be exposed preserved and presented/ celebrated within the new public park which would bring back a visible manifestation of the historic Sheffield Castle within the public realm of Sheffield engendering an enhanced sense of place and historical context.

It is considered that concerns raised by Historic England and SYAS in relation to the uncertainties and risks associated with the development project and its impact upon below ground archaeology can be acceptably managed through the imposition of a robust set of planning conditions requiring archaeological direction and supervision of the works within sensitive areas and the approval of further archaeological evaluation work prior to fixing plans for the gatehouse courtyard area.

In terms of the built development proposed, concerns have also been raised that the proposed 4 to 6 storey height of Plots 1 and 2 could impact adversely on the setting of the adjacent Grade II Listed Old Town Hall building. The applicant has responded to these concerns by proposing development parameters which would provide for a wider (15.5 metre) gap between Plots 1 and 2 at street level together with a chamfer to the building to better reveal the clock tower through the site. It is considered that the revised scheme would not have a substantial impact on any relevant heritage assets and the less than substantial harm which would be caused is outweighed by the significant public benefits which would accrue from the redevelopment of the site.

Concerns have been raised that the proposed development scheme misses opportunities to fully de-culvert the extent of the River Sheaf within the site and to provide public access to the Sheaf by terracing down to the water level. However, the applicant has explained why this was not considered feasible to achieve within the constraints of the current public realm project and it is considered that there are no planning policy grounds to reject the current proposal upon the basis that it does not go far enough on de-culverting.

The de-culverting works which have been proposed will undoubtedly be beneficial and policy compliant in terms of the daylighting of culverts and improving the quality of watercourses. The Environment Agency have objected to the proposal on the grounds that the applicant has not had their hydrological model informing the de-culverting design signed off by them. However, again, it is considered that this matter can adequately be dealt with by planning conditions preventing de-culverting until a model and detailed scheme for the river bed naturalisation, fish-pass and de-culverting works have been approved.

In terms of ecology, the proposed development is predicted to achieve substantial biodiversity net gains through the extensive shrub, tree and wetland planting proposed within the public realm as well as the environmental improvement which would result from the proposed naturalisation and daylighting of the river bed. Potential impacts on protected species have been identified (otters and bats) but these impacts can be managed and mitigated through further survey work to inform detailed mitigation proposals in terms of site lighting and de-culverting works.

In terms of highways and air quality matters, the proposed development scheme is in an appropriate location for a high trip generating development and the scheme's prioritisation of pedestrian and cycle access over public car use, together with travel planning measures, should be effective in promoting sustainable transportation to and from the site. Feasible servicing arrangements have also been demonstrated.

Overall it is considered that the proposed development is well designed and will result in a significant environmental improvement for the locality - bringing vacant land which is a current detractor from the character of Castlegate into a good quality new public park together with new commercial, residential or institutional developments. The effect of the development in regenerating a brownfield site and potentially catalysing further improvements in a currently run down area of the city is accorded significant weight.

The potential adverse impacts of the development, including upon heritage assets/ below ground archaeology, and relevant environmental and human receptors have been carefully assessed and, subject to a robust set of protections and mitigations as set out within the planning conditions recommended at the beginning of this report, it is considered that all impacts are tolerable and risks manageable in relation to the relevant local and national planning policy tests and criteria.

It is therefore recommended that planning permission be granted subject to the listed conditions.

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