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Case Number	21/03238/RG3 (Formerly PP-09941894)
Application Type	Application Submitted by the Council
Proposal	Amendment to no. of chimneys and windows on roofscape (Application under Section 73 to vary condition 2 (approved plans) of planning permission no. 18/04069/RG3 (Retention of Pinstone Street and part of Charles Street and Cambridge Street facade, demolition of buildings behind and erection of a seven-storey building for mixed use - retail/cafe/bar space (Use Class A1, A3, A4 and A5) at ground floor with offices (Use Class B1) above and associated works (Block C) (Application under Regulation 3 - 1992))
Location	Former 88 Pinstone Street Sheffield S1 2HP
Date Received	16/07/2021
Team	City Centre and East
Applicant/Agent	Mr David Sweeting
Recommendation	Grant Conditionally

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

1. The development must be begun not later than the expiration of three years from the 13.03.2019.

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

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

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

HOC-LDA-XXX-ZZ-DR-A-0800 Rev PO2 - Site Location Plan

HOC-LDA-XXX-ZZ-DR-A-0820 - Demo Plan

HOC-LDA-XXX-ZZ-DR-A-0830 - Demolition Elevations - Pinstone / Cambridge and Charles Street

HOC-LDA-XXX-ZZ-DR-A-0850 Rev C01 - Proposed Site Plan

HOC-LDA-XXX-ZZ-DR-A-0860 P1 - Proposed Basement Plan

HOC-LDA-XXX-ZZ-DR-A-0861 P1 - Proposed Plan Ground Floor

HOC-LDA-XXX-ZZ-DR-A-0862 P1 - Proposed Plan First Floor

HOC-LDA-XXX-ZZ-DR-A-0863 P1 - Proposed Plan Second Floor

HOC-LDA-XXX-ZZ-DR-A-0864 P1 - Proposed Plan Third Floor  
HOC-LDA-XXX-ZZ-DR-A-0865 Rev C01 - Proposed Plan Fourth to Sixth Floor  
HOC-LDA-XXX-ZZ-DR-A-0868 Rev C01 - Proposed Plan Seventh Floor  
HOC-LDA-XXX-ZZ-DR-A-0869 Rev C01 - Proposed Roof Plan  
HOC-LDA-XXX-ZZ-DR-A-0880 Rev C01 - Proposed Pinstone Street Elevation  
HOC-LDA-XXX-ZZ-DR-A-0881 Rev C01 - Proposed Cambridge Street Elevation  
HOC-LDA-XXX-ZZ-DR-A-0882 Rev C01 - Proposed Charles Street Elevation  
HOC-LDA-XXX-ZZ-DR-A-0883 P05 - Proposed Five-Ways Elevation

Reason: In order to define the permission.

### **Pre-Commencement Condition(s)**

3. No demolition, site preparation, restoration or construction of buildings or other structures shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance to occupiers and/or users of nearby sensitive uses and will document the Contractor's plans to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures. The CEMP shall include strategies to mitigate any residual effects from noise and vibration that cannot be managed to comply with acceptable levels at source. The CEMP shall also include details relating to the permitted working hours on site, and include a fugitive dust management plan.

Working hours shall be based on the principal that all demolition, construction and associated activities audible at or beyond the site boundary shall be confined to 0730 to 1830 hours on Mondays to Fridays, 0800 to 1700 hours on Saturdays, with no working on Sundays or Public Holidays. Any extraordinary arrangements shall be subject to agreement in writing by the local planning authority. The CEMP shall detail suitable community communications procedures to ensure that occupiers of dwellings and other sensitive uses are informed in advance of any disruptive or extraordinary working arrangements likely to cause significant amenity impacts.

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

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

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

5. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

6. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall have been approved in writing by the Local Planning Authority before it is installed.

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

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

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

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

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

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

Reason: In the interests of sustainable development and given that drainage works

are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

9. No development shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

11. No construction of buildings or other structures shall take place until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;

- a) been carried out; or
- b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which will have been entered into which will secure that such improvement works will be carried out before the development is brought into use.

Highway Improvement Works:

- Cambridge Street, between Pinstone Street and Charles Street (closure to motor vehicles and associated public realm works).
- Charles Street, between Cambridge Street and Pinstone Street (closure to motor vehicles and associated public realm works).
- Pinstone Street site frontage between Cambridge Street and Charles Street (public realm works).
- Pinstone Street (provision of on-street servicing/loading).
- Displacement of on-street parking from Cross Burgess Street to allow for loading/service vehicle egress.
- Promotion of a Traffic Regulation Order in relation to servicing/loading (waiting and loading restrictions) and the prohibition of motorised traffic in the vicinity of the development site, all subject to usual procedures, including provision of associated signing and lining.
- Provision for the movement of cyclists, pedestrians and motorised traffic along Pinstone Street and Union Street, and on streets linking these, between and including their junctions with Charles Street, Furnival Gate and Moor Head (including the provision of direction signing), with the aim of providing interventions that deliver safe cycle routes in the vicinity of the development coupled with revised pedestrian crossings.
- Any accommodation works to traffic signs, road markings, repositioning street

lighting columns, highway drainage and general street furniture deemed necessary as a consequence of the development.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

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

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

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

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

#### **Pre-Occupancy and Other Stage of Development Condition(s)**

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

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

15. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency

2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

16. No construction of buildings or other structures shall take place until an Employment and Training Strategy, including an implementation plan has been submitted to and approved by the Local Planning Authority. Thereafter the strategy shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic benefits of the scheme for the local community.

17. No construction in the relevant areas of the site shall commence until the means of protecting the water and sewerage infrastructure laid within the site boundary has been implemented in full accordance with details that have previously been submitted to and approved by the Local Planning Authority. No trees shall be planted within 5 metres of any water or sewerage infrastructure that cross the site. If the required protective measures are to be achieved via diversion or closure of the sewerage or water mains, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

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

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

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

Reason: In the interests of highway safety.

19. No construction of buildings or other structures shall take place until Approval In Principle (AIP) for the smoke outlet vents, which are structures within the highway, has been submitted to and approved in writing by the Local Planning Authority. As a minimum, the AIP submission shall cover:

- Proof of the structural integrity of the smoke outlet vents, with structural calculations and drawings.
- Confirmation and agreement of the proposed ongoing structural inspection strategy, including the protocol for submitting inspection reports to the Local Planning Authority.
- Servicing arrangements for inspection personnel needing to gain access to the structure.
- The specification of the pedestrian friendly covers/grates over the smoke outlet vents, which might have to withstand the loading of maintenance vehicles.

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

Reason: In the interests of highway safety.

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

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

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

Shop fronts  
 Typical window details, including reveals and aluminium panels  
 Brickwork detailing  
 Aluminium plant screen

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

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

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

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

23. Any office accommodation forming part of the development hereby permitted shall not be brought into use unless a scheme of sound insulation works has been implemented and is thereafter retained. Such works shall:

- a) Be based on the findings of approved HRS noise survey Ref: 131367 - AC - 2v1 (20/12/2018).
- b) Be capable of achieving the following noise level: Noise Rating Curve NR40

(0700 to 2300 hours).

c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilations.

[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

24. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

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

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

26. Notwithstanding the approved plans, the development shall not be used unless the internal cycle parking accommodation has been provided in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority (with consideration given to the installation of a two-tier rack system). Thereafter, the approved cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of development

27. Before any commercial use(s) hereby permitted whose normal operation involves the broadcast of amplified sound at above background level commences, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:

a) Be based on the findings of approved HRS noise survey Ref: 131367 - AC - 2v1 (20/12/2018).

b) Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured: (i) as a 15 minute LAeq, and; (ii) at any one third octave band centre frequency as a 15 minute LZeq.

Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

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

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

approved plans.

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

29. The development shall not be used until servicing arrangements for both the retail and office uses have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall seek to avoid any servicing or loading in connection with the development during the busy peak periods and to avoid simultaneous multiple arrivals of loading or service vehicles. Thereafter, servicing and loading shall take place in accordance with the approved details.

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

30. Any commercial food uses forming part of the development hereby permitted shall not commence unless details of a scheme for the installation of equipment to control the emission of fumes and odours from the premises have been submitted for written approval by the Local Planning Authority. These details shall include:

- a) Plans showing the location of the fume extract system, including any external ducting and detailing the position and design of the cowl/discharge point.
- b) Acoustic emissions data.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the systems required cleaning and maintenance schedule.
- e) Details of any scheme of works necessary to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building.

Any such use shall not commence until the approved equipment has been installed and is fully operational and shall thereafter 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.

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

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

32. A roof plan, with details of the layout and height of plant, shall be approved in writing by the Local Planning Authority before that part of the development commences. Plant shall not project above the height of the plant enclosure.

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

### **Other Compliance Conditions**

33. The development shall be operated in accordance with the submitted Heart of the City 2 Block C Travel Plan dated October 2018 and prepared by ARUP.

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

34. Commercial units within use Classes A3, A4 and A5 shall only be used by customers between 0730 hours and 0030 hours on any day.

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

35. No more than 50% of the ground floor of the office and retail block shall be used for non-A1 purposes.

Reason: In order to define the permission and protect the vitality and viability of the shopping area.

36. No doors or windows shall, when open, project over the adjoining footway.

Reason: In the interests of pedestrian safety.

Attention is Drawn to the Following Directives:

1. For the avoidance of doubt in line with National Planning Practice Guidance:

Most original conditions have been included on this Decision Notice for completeness and because they remain in force. No further information is required in relation to Conditions 3, 4, 5, 6, 7, 8, 9, 16 and 26 at this stage subject to the previously agreed details being carried out in accordance with the information approved under Condition Applications 18/04069/COND1; COND 2; COND3; COND4; COND 5 and COND7. Please note the repeat conditions are listed with the same numbering as the original decision notice.

As part of the above submissions, Conditions 20 and 21 have been part approved so are repeated on this notice.

Condition 10 has not been included on this Decision Notice. The details required by this condition have already been agreed and discharged under condition application 18/04069/COND6; and no further information is required.

2. The applicant is advised that Yorkshire Water has no objection in principle to:

- a) The proposed separate systems of drainage on site and combined off-site
- b) The proposed amount of domestic foul water to be discharged to the public combined sewer network
- c) The proposed amount of curtilage surface water to be discharged to the public combined sewer network at a restricted rate of 5.39 (five point three nine) litres/second
- d) The proposed points of discharge of foul and surface water to the public combined sewer network submitted on drawing HOC-ARP-BC-XX-DR-D-14004 (revision P02) dated 11/10/2018 prepared by ARUP.

The development should be constructed in full accordance with drawing HOC-ARP-BC-XX-DR-D-14004 (revision P02) dated 11/10/2018

The developer should also note that the site drainage details submitted have not

been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

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

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

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

4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk)

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

5. Plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when measured at positions on the site boundary adjacent to any noise sensitive use. Reference may be made to the background noise survey data presented in the ARUP Environmental Statement ref. SRQ ES; 24/07/2015 (as amended by the ARUP Environmental Statement Addendum; 18/02/2016). Copies of the referenced ES documents are available from the LPA or SCC Environmental Protection Service upon request.
6. 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.
7. 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 is available from SCC Environmental Protection Service; Commercial Team, 5th Floor (North), Howden House, 1 Union Street, Sheffield S1 2SH: Tel. (0114) 2734651, or by email at [eps.admin@sheffield.gov.uk](mailto:eps.admin@sheffield.gov.uk).

Extraordinary working arrangements shall typically only be granted in cases where logistical constraints dictate (e.g. due to road closure requirements), or where specific processes cannot be undertaken and completed within the relevant timeframe (e.g. power-floating or other treatments relating to large volume concrete pours). Additional working hours will not generally be granted to address scheduling or project management shortfalls.

8. The Construction Environmental Management Plan (CEMP), required to be produced by the main Contractor (and any subsequently appointed main Contractor), in liaison with the Local Planning Authority and SCC Environmental Protections Service, should be worded so as to assist in ensuring that demolition and construction activities are planned and managed in accordance with the environmental requirements identified in the ARUP Environmental Statement ref. SRQ ES; 24/07/2015 (as amended by the ARUP Environmental Statement Addendum; 18/02/2016). The CEMP should be based on the framework of the approved draft CEMP; ARUP ref. SRQ CEMP01, Rev A; 22/02/2016. The CEMP should document the Contractors plans to ensure compliance with relevant best practice and guidance, as identified in the ES in relation to noise, vibration, dust, air quality and pollution control measures. The CEMP should include strategies to mitigate residual effects from demolition and construction phase noise and vibration, as identified in the ES. Copies of the referenced ES and CEMP documents are available from the LPA or SCC Environmental Protection Service upon request.
9. The applicant is advised that the site lies in close proximity to a National Grid high voltage transmission underground cable and to low or medium pressure (below 2 bar) gas pipes and associated equipment.
10. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6349  
Email: [james.burdett@sheffield.gov.uk](mailto:james.burdett@sheffield.gov.uk)

11. The applicant is advised that there are live and abandoned water mains and associated fittings in the public realm areas of the site. Diversions of the pipes

would be at the developer's cost. Trial holes to precisely locate the pipe can be arranged with YW (again at the developers costs) to determine the depths of the main and fittings. Whilst it would appear that the water mains are unlikely to be affected by building-over proposals, the landscaping proposals may not be acceptable. Additionally, the pipes may require protection during the construction phase of the development. If the pipes are left in situ, protective measures are likely to be required during construction of the development.

For further information regarding the water mains , the developer should contact:  
tech\_support.engineer\_south@yorkshirewater.co.uk

12. As the proposed smoke outlet vents will be located within the public highway and the proposed basement will be supporting the public highway, you are required to contact:

Richard Bulloss, Assistant Head Highway Maintenance  
Tel. 0114 205 7484  
richard.bulloss@sheffield.gov.uk

in order to secure the relevant licence.

13. As the proposed development will involve the closing/diversion of a public highway(s) you are advised to contact the Highway Records team as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the highway(s) under Section 247 of the Town and Country Planning Act 1990. This process can take several months to complete.

Principal Engineer, Highway Records  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6301 or 273 6125  
Email: highwayrecords@sheffield.gov.uk

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

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

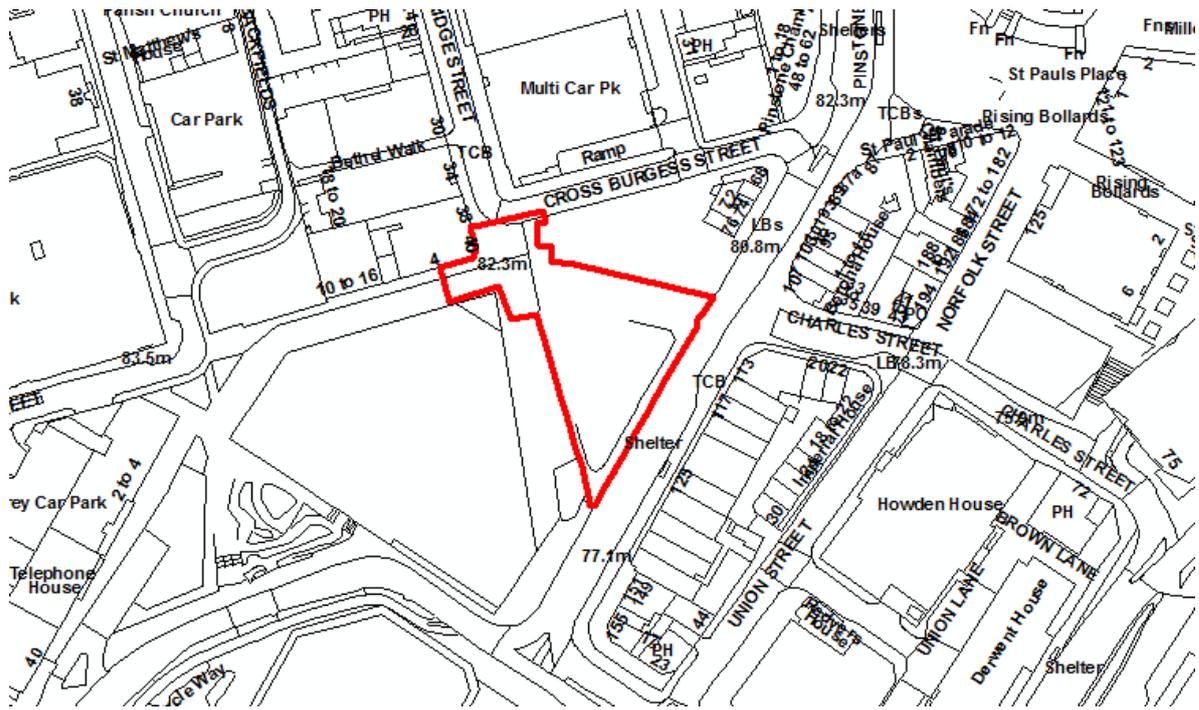
Telephone: 0114 273 6677  
Email: highways@sheffield.gov.uk

15. On the Statutory Sewer Map, there are 375 and 300 mm diameter public combined sewers recorded to cross the site (in the proposed public realm areas). It is essential that the presence of this infrastructure is taken into account in the design of the scheme. Whilst it would appear that the public sewers are unlikely to be affected by building-over proposals, the landscaping proposals may not be acceptable. Additionally, the pipes may require protection during the construction phase of the development.

A proposal by the developer to alter/divert a public sewer will be subject to YW requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

For further information regarding the sewers, the developer should contact our Developer Services Team: telephone 0345 120 84 82 (option 1) or email [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)

# Site Location



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## LOCATION AND PROPOSAL

The application site consists of a triangular shaped city block bound by Pinstone Street to the east, Cambridge Street to the west and Charles Street to the north. It is occupied by numbers 94-104 Pinstone Street (known as Block C of HoCII, the Pepperpot building), which has an ornate roofscape featuring a distinctive turret and Dutch gabled dormers.

Planning permission has been granted for the retention of the Pinstone Street and part of the Charles Street and Cambridge Street facades, the demolition of buildings to the rear and the erection of a seven-storey building with retail/cafe/bar units at ground floor level (use Class A1, A3, A4 and A5) and offices over (use Class B1). The buildings of which the facades are to be retained are non-designated heritage assets within the City Centre Conservation Area.

The site lies at the southern end of the Conservation Area, within the Heart of the City Quarter as defined in the Sheffield City Centre Urban Design Compendium (2004).

The application is seeking consent to permit the removal of chimneys and to amend the windows under Section 73 of the Planning Act, by varying the approved plans listed under Condition 2 of the original permission.

The application is seeking approval to replace the following plans:

Proposed Site plan - 0850  
Fourth to Sixth floor plan – 0865 P1  
Seventh floor plan – 0868 P1  
Roof Plan – 0869  
Pinstone Street Elevation – 0880 P04  
Cambridge Street Elevation – 0881 P05  
Charles Street Elevation – 0882 P05

With the following replacement plans:

Proposed Site plan – 0850 Rev C01  
Fourth to Sixth floor plan – 0865 Rev C01  
Seventh floor plan – 0868 Rev C01  
Roof Plan – 0869 Rev C01  
Pinstone Street Elevation – 0880 Rev C01  
Cambridge Street Elevation – 0881 Rev C01  
Charles Street Elevation – 0882 Rev C01

The original permission gave consent for the replacement of the roof of the Pepperpot building, with only the facades of the heritage buildings to be retained. The existing 6 roof chimneys were then to be replicated as part of the scheme.

This application is seeking approval to replicate only one of the chimneys which is located where the Pinstone Street façade steps down. The original scheme proposed 11 roof windows, whereas 6 are now proposed. The application

supporting submission says that appropriate recording of the chimneys has been undertaken, including photographs and annotated floor plans, as required by the original WSI.

The amended plans also seek to address a discrepancy with the original Pinstone Street elevations where 4 windows in the Cambridge Street/Pinstone Street corner turret were shown as windows on the approved elevations, whereas they were originally, and are currently, blind bricked up windows.

## SUMMARY OF REPRESENTATIONS

### Hallamshire Historic Buildings (HHB)

HHB has objected to the proposals saying that the application should be refused unless additional changes are proposed to mitigate the harm and loss of design quality.

They argue that tall chimney stacks are a particular feature of the architects who designed this building style, Flockton and Gibbs; that the loss of the stacks would impact on the building's historic significance, to its aesthetics and to the character and appearance of the City Centre Conservation Area. They say the harm is less than substantial and as the conservation area is a designated heritage asset it requires clear and convincing justification, and the harm should be weighed against the public benefits of the proposal. They argue that no public benefit arises from this proposal as the development is underway and it will still be delivered regardless. They also point out that Paragraph 135 of the NPPF warns against approved developments not being materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

They understand the engineering challenges and consider that some changes to the roofscape may be necessary. They argue that the stack above the Cambridge Street elevation might be supported from the new elevation. Even if it is possible to retain this stack, they argue that the loss of 4 stacks will harm the historic and aesthetic significance of the building and should be mitigated. They propose that a substantial spire which originally surmounted the turret at the Pinstone Street/Cambridge Street corner should be reinstated to balance the harm and restore the roofscape as originally proposed. It would also be consistent with Paragraph 206 of the NPPF which says that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.

HHB reiterated the grounds of their original objection after considering the additional supporting information submitted by the applicant and also made the following additional points.

- The applicant should provide an estimate of the cost saving achieved by restoring the spire compared with restoring the chimneys.
- The statements by the applicant's heritage consultants that the chimneys do not contribute to significance or are not prominent or distinctive are not true.

They argue harm already done to the conservation area justifies further harm whereas in fact it only increases the desirability of preserving or enhancing the remaining historic character and appearance.

- The argument that the chimneys create visual clutter suggests the original architects erred in not designing a roofscape in keeping with modern taste.
- Businesses actively seek historic locations, so it is perverse to argue it is a public benefit to protect future building occupants from the area's characteristic historic appearance.
- There are numerous statements in the applicant's planning statement extolling the importance of the roofscape and its positive contribution to the character and appearance of the conservation area which are in direct opposition to the claims now being made to support the loss of chimneys.
- It was always known that the chimneys were to be reinstated and it is not credible to claim that the costs are a substantial addition. If additional material and labour costs were not foreseen by the architects or engineers, they should be recovered from them.
- The city's heritage is being made to suffer for the other unforeseen costs such as those associated with the pandemic. If the saving has already been factored in, before receiving consent for the change, that is not a planning justification.
- Planning Practice Guidance on Conserving and Enhancing the Historic Environment defines public benefit as the fulfilment of the economic, social and environmental objectives in the National Planning Policy Framework (Paragraph 8). The conservation and enhancement of the historic environment contributes to all of these objectives and is an important selling point of the entire Heart of the City scheme. The applicant has not identified alternative benefits meeting the same objectives, let alone any benefits sufficient to outweigh the statutory presumption against harm, and for considerable importance and weight to be given to the conservation of the City Centre Conservation Area.

The City Ward councillors Ruth Mersereau, Martin Phipps and Douglas Johnson object to the application and consider it should be refused. They consider that the change to the roofscape is significantly different, bland and lacking historic features. They support the objection from Hallamshire Historic Buildings.

Sheffield Conservation Advisory Group have commented that they consider that the removal of the chimneys, which are an integral part of this building's character, is unacceptable. The Group also noted that, originally, a spire capped the corner turret at the southern end of the building on the corner of Cambridge Street and recommend that it should be reinstated.

## PLANNING ASSESSMENT

### Policy

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 says that in deciding whether to grant planning or listed building consent in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 195 of the National Planning Policy Framework (NPPF) says local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 197 says that in determining applications, local planning authorities should take account of:

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

When considering impact, great weight should be given to the asset's conservation and the more important the asset the greater the weight (Paragraph 199). Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (Paragraph 200). Where a proposed development will lead to less than substantial harm to 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 202).

Paragraph 203 says 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.

Unitary Development Plan (UDP) Policy BE15 says that development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted.

UDP Policy BE16 says that in Conservation Areas permission will only be given for proposals which would preserve or enhance the character or appearance of the Conservation Area. Buildings which make a positive contribution to the character of the conservation area will be retained.

Justification for the proposed changes

The floor plate requires the chimneys to be supported from roof steelwork to maximise the useable floor area below. Due to the height of the chimneys the construction is complex to maintain the connection detailing and the stability of the chimney and so traditional masonry has been discounted. The original structure would not fully achieve modern design standards and would require additional measures.

Recreating the chimneys in Glass Reinforced Plastic has been rejected as it would appear as an obvious fake. Condition discharge application 18/04069 /COND4 approved a detail for replicating the chimneys based on a brick slip solution.

The applicant is now proposing only one chimney to be reconstructed in brick slips which is the central one as this location remains a strong feature of the original design linking back to the original building as it is away from the leading edge. They say the visibility of the anchor system for maintenance would be minimised. The other 5 chimneys would not be replicated.

The applicant has discounted the reintroduction of all chimneys in brick slips on the grounds of maintenance as periodic safety inspections would be required. The liability of maintaining these structures including excluding pedestrians below is an important but not the primary reason why the applicant has reduced the number of chimneys to be replicated. They also argue that to maintain the chimneys, although not a frequent event, a network of anchor points would be required, which has aesthetic and functionality considerations. The anchors would also need to be tested on an annual basis by specialist abseilers to reach the remote locations, and this would be a long-term cost to the owner.

The applicant has also advised that the original date for completion of this block was December 2020. But due to construction challenges and the global pandemic the programme is 12 months later than planned and overall costs are significantly greater than anticipated. They have listed the following issues as reasons for the increased costs and delays.

- Asbestos within the original building and significantly more than first surveyed as it was mainly hidden
- Dangerous structures and the condition of the old buildings
- Latent defects and the difficulties in retaining the façade
- Reduction in levels of labour and obtaining labour generally as a result of Covid-19.
- Substructure and interface of the new buildings with the existing facade along with the connection to the new building
- Covid-19 and the impacts of materials along with the rising costs
- Statutory connections and rising costs as result of Covid-19 delays and the importation of new substations
- Additional costs for fire protection, ground works and windows.

The reconstruction of the chimneys requires structural steel and further strengthening of the existing façade which would result in significant costs which have been quantified as £425,000, additional to the cost of the one chimney to be replaced. They say the original scheme without the increased costs referred to above did not meet the normal viability criteria of a 15% margin for a commercial development and that the scheme is only progressing due to substantial public investment by the City Council as developer and this investment in the whole Heart of the City project plays a major part in the regeneration of Sheffield City Centre.

The additional costs referred to above have further reduced the viability of the

project along with reduced values due to the impact of the pandemic on the retail sector. It is also pointed out that to construct the additional chimneys would require an extensive extension to the contract period and this would have a knock-on effect with ongoing discussions with tenants to potentially occupy the space from the summer of 2022. They say that if they have to reconstruct the chimneys, they will have to consider changes to the scheme elsewhere including changes to the materials and the detailing of the retail units.

The applicant's heritage consultants argue the chimneys, as a standalone element of the former non-designated asset, do not in and of themselves, contribute meaningfully to the significance of the Conservation Area. They form a minimal part of a historic streetscape along Pinstone Street, which following the consented Heart of the City II, is in the process of being significantly altered and will be viewed in the context of new modern development. Any significance derived specifically from the chimneys lies in a purely visual aspect and their contribution to the former historic streetscape, rather than their fabric which will be entirely new, which when reinstated will form a pastiche.

Although the chimneys can / will be seen within views along Pinstone Street and Cambridge Street, they do not form a prominent or distinctive feature, unlike the gabled dormer windows to the elevations. Rather, when travelling along Pinstone Street, the chimneys blend with the remainder of the built form and are easily overlooked. This will be diminished further by the consented new scheme, with tall modern buildings sited to the rear. As a result, their loss will not have a demonstrable or noticeable effect on the character of the Conservation Area beyond that already permitted, and as such will not cause 'harm' to significance. Furthermore, considering that the loss of the entirety of the remainder of the non-designated heritage asset on the site was deemed as acceptable on balance, any significance derived from the chimneys certainly amounts to much less than the building as a whole. This, alongside the benefits of delivering a functional and viable scheme reinforces a conclusion for approval.

A series of images have been submitted showing the appearance of the development from pedestrian level on Pinstone Street. It is argued that these show that from certain viewpoints the chimneys can hardly be seen and that the only chimney that can really be seen is the one to be retained. They also argue that in certain views the visual clutter is reduced by the omission of most chimneys and that this visual clutter reduces the overall visual amenity of the building. It is also stated that the omission of the chimneys will improve the views out of the fourth-floor offices and that this along with the reduced maintenance disruption is of public benefit to the building's users. They also argue that there are sustainability benefits in the reduced use of materials in the construction of chimneys that have no operational value to the building.

In terms of the changes to the Velux roof windows, these are being revised due to a better understanding of the floorplate. There were no windows originally and these were introduced as part of the original application. The number are being reduced and they have a square rather than rectangular format. It is argued that these changes are needed to deliver a functional and deliverable scheme.

## Heritage and visual Impact

The site frontage forms part of the Victorian frontage of heritage buildings that characterises much of Pinstone Street.

The chimneys on Block C are not as prominent as those on Block B. The most prominent elements of the roof scape are the dormers and turret at the corner of Pinstone Street and Cambridge Street. The chimneys are however seen from pedestrian level on Pinstone Street and do contribute to the richness of the roofscape and provide aesthetic interest. They help in understanding the original Victorian streetscape and what remains of the original building. In your officers' view, the with and without images show that they would be easily seen from street level and the chimneys illustrate the more interesting Victorian roofscape rather than detracting from it, as suggested by the applicant.

Whilst their loss was accepted under the original consent this was based on the overall public benefits of the scheme and that the impact would be mitigated to a degree by restoring the façade and replicating the roof and chimneys. The following is an extract from committee report, "As discussed, harm to the significance of this part of the conservation area is mitigated by retaining the Pinstone Street façade, including the decorative roofscape and meaningful returns onto Charles Street and Cambridge Street. The harm caused is therefore considered to be less than substantial."

The applicant argues that the failure to replicate 5 of the 6 chimneys will not have a demonstrable or noticeable effect on the character of the Conservation Area beyond that already permitted, and as such will cause no 'harm' to significance. In your officers' view there will be some harm to the character of the conservation area due to the loss of the richness of the original roof scape and the ability for the passer-by to interpret the original Victorian streetscape as described above. Given that the loss of the building was judged to be less than substantial the failure to replicate most of the chimneys which are not original must be at the very bottom end of less than substantial harm to the character of the conservation area as a whole.

Even though this harm is at the bottom end of less than substantial, Paragraphs 200 and 202 of the NPPF require there to be a clear and convincing justification and any harm must be weighed against the public benefits of the proposal.

No drawings have been submitted to show that the anchor points required would be aesthetically harmful.

The applicant is arguing that the scheme is not viable if all the chimneys are replaced, and further cost savings will have to be made elsewhere and that this is likely to affect the materials and quality of the shopfronts. It is accepted that there is a clear and convincing justification that the replacement of the chimneys will further reduce the viability of the scheme. Your officers have no reason to doubt that that these savings would impact on the appearance and quality of the scheme.

Officers do not agree that the improved views from the fourth-floor offices, reduced

maintenance disturbance and reduced use of materials constitute meaningful public benefits. However, it is accepted that maintaining the quality of the scheme and not delaying its opening do constitute wider public benefits for the city centre which needs to recover from the impact of the pandemic and retail closures.

The revised arrangement of Velux windows and the retention of the blind windows will have a neutral impact on the conservation area.

## SUMMARY AND RECOMMENDATION

It is concluded that the proposal to not reinstate 5 of the 6 chimneys will have a less than substantial harmful impact on the character of the conservation area. There is a clear and convincing justification that increased costs and delays associated with the reinstating of all the chimneys will undermine the viability of the scheme. There is a balance between loss of character to the conservation area due to the failure to reinstate all the chimneys and loss of character due to downgrading the quality of the scheme to make savings.

Neither are palatable and the weight to be given to each is difficult to judge in the absence of precise information about where savings would be made if the chimneys are reinstated. However, on the basis of the applicant's advice that it would likely impact on the quality of the shopfronts and taking into account the low level of heritage harm, against the public benefits of delivering the scheme early it is considered that, on balance, the benefits of not proceeding with reinstating all the chimneys outweigh the limited harm to the character of the conservation area. It is therefore recommended that planning permission be granted subject to the listed conditions.

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