

Case Number	23/03815/OUT (Formerly PP-12640635)
Application Type	Outline Planning Application
Proposal	Hybrid planning application: Full permission for the erection of a foodstore (Use Class E(a)) with associated access roads, parking, servicing area, and landscaping; and Outline planning application (all matters reserved except for access) for the erection of two flexible use units for use as storage / distribution or trade / builders merchants (Class B8 / Sui-Generis), two drive-through restaurants (Use Class E(b) / Sui-Generis), one drive-through coffee shop (Class E(a) / Class E(b)), one retail unit (Class E(a)); a flexible use trade / retail unit (Use Class B8 or E(a)); and an electric vehicle charging hub (Amended description + amended plans received 15.04.2024)
Location	Land at junction with Herries Road, Herries Road South and Penistone Road North Sheffield S6 1QE
Date Received	01/12/2023
Team	North
Applicant/Agent	Helen Mansley - Avison Young
Recommendation	Grant Conditionally

Conditions applicable to the part of the application that was submitted with full details:

Time Limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development hereby permitted shall be carried out in complete accordance with the following plans, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

- AMA-40065-D-01-100-Rev P06 - General Arrangement

Published 21st May 2024

- 2794-THPW-XX-XX-DR-A-1000A Proposed Parameters plan
- 2794-THPW-XX-XX-DR-A-1001C Proposed Masterplan (Full and Outline Elements) – Illustrative Only
- 2794-THPW-XX-XX-DR-A-1002A Proposed Site Layout (Full Element) -
- 2794-THPW-XX-XX-DR-A-1003A Proposed Foodstore GA Plan
- 2794-THPW-XX-XX-DR-A-1004A Proposed Elevations -
- 2794-THPW-XX-XX-DR-A-1005A Proposed Sections
- 2794-THPW-XX-XX-DR-A-1006 Proposed Foodstore Roof Plan
- 2794-THPW-XX-XX-DR-A-1007B Proposed Site Layout (Water Easement Overlay)
- 2794-THPW-XX-XX-DR-A-1500 Location Plan A3
- 2794-VL_L01C_Landscape Plan_A0_[PLANNING]

All published 15th April 2024.

Reason: In order to define the permission.

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

3. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures. The CEMP shall include details of the means of ingress and egress of vehicles engaged in the construction of the development and details of any site compound, contactor car parking, storage, welfare facilities and delivery/service vehicle loading/unloading areas has been submitted to and approved by the Local Planning Authority. Equipment 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 shall also be included within the CEMP.

Two non-native Schedule 9 invasive species have been identified on site (Himalayan balsam and Japanese knotweed), and therefore the CEMP will need to include a suitable eradication methodology to remove these invasive species.

Thereafter the development shall be carried out in accordance with the approved CEMP.

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

4. No development shall commence until a Landscape and Ecological Management Plan (LEMP), including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority.

The LEMP shall incorporate the recommendations of the Ecological Impact Assessment (ref TG Report No. 16041_R02a_AS_BP).

The LEMP shall thereafter be implemented as approved and any approved ecological mitigation measures shall have been carried out/installed prior to the first occupation of the development or within an alternative timescale to be agreed in writing with the Local Planning Authority.

Reason: In the interests of protecting the biodiversity of the site. It is essential that this condition is complied with before any other works on site commence given that damage to existing habitats is irreversible.

5. No development shall commence until full details of measures to protect the existing trees to be retained as part of the application for full planning permission, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

6. 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 and shall include details showing how surface water will be prevented from spilling onto the public highway. 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. The proposed foodstore shall not be brought into use until the drainage works approved as part of this condition have been completed.

Reason: In the interests of highway safety, 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.

7. No development shall commence until the improvements (which expression shall include traffic control 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 have been entered into which will secure that such improvement works will be carried out before the development is brought into use.

Highway Improvements:

- Alterations to site access arrangements for vehicles and pedestrians broadly in accordance with submitted drawing number AMA-40065-D-01-100 Rev P06 (which will be subject to further detailed design), including the provision of a secondary vehicular access onto Herries Road and pedestrian drop crossings and tactile paving to facilitate unhindered wheelchair mobility.
- Promotion (as necessary) of a Traffic Regulation Order (loading/waiting restrictions) in the vicinity of the development site and provision of associated road markings and signage, all subject to the usual formal procedures.
- Notwithstanding the submitted plans which refer to land being safeguarded along the A61 site frontage, provision (where possible) of a clear 5.5 metres wide segregated footway/cycleway (with associated signage/markings) all to be re-surfaced.
- Accommodation works to street furniture and Statutory Undertakers equipment, including street lighting columns, moving them to the new rear of segregated footway/cycleway.
- Enhancement to bus stop 20484 (Penistone Road North/Herries Road) with kerb upstand and tactile paving to assist boarding/alighting, and enhancement to bus stop 20500 (Penistone Road/Herries Road South) with mains-powered real-time-enabled shelter and kerb upstand and tactile paving to assist boarding/alighting, to South Yorkshire Mayoral Combined Authority's specifications.

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

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

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

9. No development shall commence until details of measures to facilitate the provision of gigabit-capable full fibre broadband within the development, including a timescale for implementation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/timetable thereafter.

Reason: To ensure that all new Major developments provide connectivity to the fastest technically available Broadband network in line with Paragraph 114 of the National Planning Policy Framework.

10. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

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

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

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

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

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

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

13. The submitted Travel Plan shall be operated for the first 5-year-period after the Store becomes operational.

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

14. Notwithstanding the submitted plans, prior to the development becoming occupied, suitable and sufficient public short-stay and staff long-stay sheltered bicycle parking accommodation shall have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority (avoiding the use of 'butterfly' systems which have a tendency to buckle wheels). Thereafter, the bicycle parking shall be retained/maintained for the sole purpose intended.

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

15. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented.

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

16. The development shall not be used unless the car parking accommodation, access roads and internal paths as shown on the approved plans have been provided in accordance with those plans and thereafter retained/maintained for the sole purpose intended.

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

17. Prior to occupation, all vehicle and pedestrian areas within the site shall have been surfaced, sealed and drained to the satisfaction of the Local Planning Authority.

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

18. The foodstore hereby approved shall not be occupied until such time that arrangements shall have been entered into which enable the dedication of the land that is required to accommodate capacity improvements at the junction of Herries Road South with the A61 (together with cycling infrastructure improvements on Herries Road and Herries Road South) to the City Council from the land owner at no cost to the City Council, to occur if/when the highway improvement scheme is commenced. The relevant land on Herries Road and Herries Road South was identified on drawings 2794-THPW-XX-XX-DR-A-1001C Proposed Masterplan (Full and Outline Elements) – Illustrative Only and in the previously approved scheme (21/00234/FUL) in drawing number SCP/18445/F15 Rev F.

Reason: In the interests of the future development of the area.

19. 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.

20. 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.

21. Before the use of the foodstore hereby permitted commences, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of light from the development on adjacent dwellings. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals documents GN01 Guidance Notes for the Reduction of Obtrusive Light, and PLG05: The Brightness of Illuminated Advertisements. The development shall be carried out and thereafter retained in accordance with the approved details.

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

22. 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.

23. Specifications of the electrical car charging points along with a schedule/timeframe for their installation and the provision of the active and passive electric vehicle parking spaces shown on drawing ref: 2794-THPW-XX-XX-DR-A-1002A Proposed Site Layout shall have been submitted to and approved in writing by the Local Planning Authority within 3 months of the commencement of development.

The approved charging points and active and passive vehicle parking spaces shall then be provided in accordance with the approved details prior to occupation of the foodstore, and thereafter maintained and retained for the lifetime of the development.

Reason: To mitigate the effects of climate change.

24. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter the 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 it is essential for these works to have been carried out before the use commences.

25. No building or other obstruction including landscape features shall be located over or within 6 (six) metres either side of the centre line of the public water main i.e. a protected strip width of 12 (twelve) metres, that crosses the site. This is with the exception of the portion of the easement adjacent to the proposed sub-station, where the easement will be reduced to 3m on the southern side of the centre line of the public water main and 6m to the north side (i.e. 10 (ten) metres in total.

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

26. Prior to first occupation of the foodstore hereby approved, full details of the solar roof panels shown on drawing reference 2794-THPW-XX-XX-DR-A-1006 (Proposed Foodstore Roof Plan) shall be submitted to and approved in writing by the Local Planning Authority. The solar roof panels shall be installed and operational prior to foodstore first trading.

Reason: In interests of sustainability.

27. Before any above ground works commence on any phase of development, 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 within and no later than 12 months of the occupation of the foodstore.

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.

28. Details of all proposed external materials and finishes of the foodstore, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority prior to their construction/use on site. Thereafter, the foodstore development shall be carried out in accordance with the approved details.

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

Other Compliance Conditions

29. Should the clearance of site vegetation, trees or buildings take place within the bird nesting season (March to August inclusive) a pre site clearance check shall be carried out by a suitably qualified ecologist to establish the presence of nesting birds. If active bird nests are present clearance works should only proceed once all chicks have fledged.

Reason: In order to ensure that nesting birds are not adversely affected by the development.

30. Commercial deliveries to and collections from the foodstore hereby permitted shall be carried out only between the hours of 0600 to 2300 on Mondays to Saturdays and between the hours of 0800 to 2200 on Sundays.

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

31. No doors/windows shall, when open, project over the adjoining footpaths within the development with the exception of fire exits.

Reason: In the interest of pedestrian safety.

32. The cumulative total of gross internal floorspace of units on the application site whose use is primarily for convenience retail purposes within Use Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any statutory instrument revoking and re-enacting that Order shall not exceed 1910 sq metres. This condition does not apply to the sale of hot food from café / restaurant / drive-through floorspace.

Reason: In the interests of the vitality and viability of nearby District and Local Shopping Centres.

33. Notwithstanding the terms of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any statutory instrument revoking and re-enacting that Order, the foodstore (food retail) hereby approved shall be used solely for the use hereby permitted and shall not be used for any other purpose within Class E.

Reason: In the interests of the vitality and viability of the Hillsborough District Centre and nearby local shopping centres.

34. The foodstore hereby approved (food retail use class E) shall not at any time be split or sub divided into smaller units.

Reason: In the interests of the vitality and viability of the Hillsborough District Centre and nearby local shopping centres.

35. The development shall be carried out in accordance with the recommendations contained in the submitted Flood Risk Assessment dated 16th November 2023 (Ref. P22-419-HYD-XX-XX-RP-C-9000).

Reason: In the interest of mitigating flood risk.

36. The foodstore will have a maximum total net sales area of 1,356 sqm. Of this sales area the majority will be for the sale of convenience goods (80% / 1,085 sqm), with the remainder used for the sale of ancillary range of non-food (comparison) goods (20% / 271 sqm). The sales area of the foodstore shall be used and limited to the floorspace quantum set out within this condition only.

Reason: In the interests of the vitality and viability of the Hillsborough District Centre and nearby local shopping centres.

Conditions applicable to the part of the application which was submitted in outline with all matters reserved apart from means of access:

Time Limit for Commencement of Development

37. Prior to the commencement of any development, with the exception of below ground works, a Site Wide Phasing Plan for the outline element of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such approved details.

References within this outline permission to a "phase" shall be to a phase as identified in the approved phasing plan.

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.

38. Prior to the commencement of each phase of development, details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be carried out as approved.

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.

39. Application(s) for approval of the reserved matters for any phase in outline shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development of each outline phase shall commence before the expiration of two years from the date of approval of the last of the reserved matters of that phase to be approved.

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

Approved Plan(s)

40. The development must be carried out in complete accordance with the following approved documents, with appearance, landscaping, layout and scale being reserved matters, and save for where such details are superseded by further details being submitted to and approved by the Local Planning Authority pursuant to the conditions attached to this permission:

- 2794-THPW-XX-XX-DR-A-1000A Proposed Parameters plan
- 2794-THPW-XX-XX-DR-A-1007B Proposed Site Layout (Water Easement Overlay)
- 2794-THPW-XX-XX-DR-A-1500 Location Plan A3

All published 15th April 2024.

Reason: In order to define the permission.

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

41. Development shall not commence on each phase until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities for that phase are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures. The CEMP shall include details of the means of ingress and egress of vehicles engaged in the construction of the development and details of any site compound, contactor car parking, storage, welfare facilities and delivery/service vehicle loading/unloading areas has been submitted to and approved by the Local Planning Authority. Equipment 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 shall also be included within the CEMP.

Two non-native Schedule 9 invasive species have been identified across the development site as a whole (Himalayan balsam and Japanese knotweed), and therefore the CEMP for each phase will need to include a suitable eradication methodology to remove these invasive species (where this is relevant to the land covered by the phase of development).

Thereafter each phase of development shall be carried out in accordance with the approved CEMP for that phase.

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

42. Development shall not commence on each phase until a Landscape and Ecological Management Plan (LEMP) for that phase, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority.

The LEMP for each phase shall incorporate where appropriate the recommendations of the Ecological Impact Assessment (ref TG Report No. 16041_R02a_AS_BP).

The LEMP for each phase shall thereafter be implemented as approved and any approved ecological mitigation measures shall have been carried out/installed prior to the first occupation of the phase of development or within an alternative timescale to be agreed in writing with the Local Planning Authority.

Reason: In the interests of protecting the biodiversity of the site. It is essential that this condition is complied with before any other works on site commence given that damage to existing habitats is irreversible.

43. Development shall not commence on each phase until full details of measures to protect the existing trees to be retained within that phase, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented for that phase. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees within each phase shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way.

The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of that phase of development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

44. No development shall commence in each phase until full details of the proposed surface water drainage design for that phase, 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 phase of development. The scheme shall detail phasing of drainage provision, where appropriate within the respective phase of development. 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

phase of the site. The surface water drainage scheme for each phase 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.

45. No development within a phase shall commence until the actual or potential land contamination and ground gas contamination within that phase has been investigated and a Phase 1 Preliminary Risk Assessment Report has been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

46. No development in any phase shall commence until the improvements (which expression shall include traffic control 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 have been entered into which will secure that such improvement works will be carried out before the development, or specific phases of the development, are brought into use.

Highway Improvements:

- Alterations to site access arrangements for vehicles and pedestrians broadly in accordance with submitted drawing number AMA-40065-D-01-100 Rev P06 (which will be subject to further detailed design), including the provision of a secondary vehicular access onto Herries Road and pedestrian drop crossings and tactile paving to facilitate unhindered wheelchair mobility.
- Promotion (as necessary) of a Traffic Regulation Order (loading/waiting restrictions) in the vicinity of the development site and provision of associated road markings and signage, all subject to the usual formal procedures.
- Notwithstanding the submitted plans which refer to land being safeguarded along the A61 site frontage, provision (where possible) of a clear 5.5 metres wide segregated footway/cycleway (with associated signage/markings) all to be re-surfaced.
- Accommodation works to street furniture and Statutory Undertakers equipment, including street lighting columns, moving them to the new rear of segregated footway/cycleway.

- Enhancement to bus stop 20484 (Penistone Road North/Herries Road) with kerb upstand and tactile paving to assist boarding/alighting, and enhancement to bus stop 20500 (Penistone Road/Herries Road South) with mains-powered real-time-enabled shelter and kerb upstand and tactile paving to assist boarding/alighting, to South Yorkshire Mayoral Combined Authority's specifications..

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

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

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

48. No development works shall commence in each phase of development until a 'construction management plan', which shall include details of the means of ingress and egress of vehicles engaged in the construction of the development and details of any site compound, contractor car parking, storage, welfare facilities and delivery/service vehicle loading/unloading areas has been submitted to and approved by the Local Planning Authority for that phase of development. Thereafter the phase of development shall be carried out in accordance with the approved details.

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

49. Each phase of development shall not commence until details of measures to facilitate the provision of gigabit-capable full fibre broadband within that phase of the development, including a timescale for implementation, have been submitted to and approved in writing by the Local Planning Authority. The phase of development shall be carried out in accordance with the approved details/timetable thereafter.

Reason: To ensure that all new Major developments provide connectivity to the fastest technically available Broadband network in line with Paragraph 114 of the National Planning Policy Framework.

50. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing within the relevant phase of development. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

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

The Plan shall include a detailed Implementation Schedule, with provision to review and report back on progress achieved, via Talent Sheffield, to the Local Planning Authority. Thereafter the Plan for each phase 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.

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

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

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

53. Each respective phase of development shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority for that phase, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of each phase of the development commencing and shall thereafter be retained.

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

54. Each phase of development shall not be occupied until a travel plan for that respective phase has been submitted to and approved in writing by the Local Planning Authority. The submitted Travel Plan shall be operated for the first 5-year-period after the phase of development becomes operational.

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

55. Prior to each phase of the development becoming occupied, suitable and sufficient public short-stay and staff long-stay sheltered bicycle parking accommodation shall have been provided for that phase in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority (avoiding the use of 'butterfly' systems which have a tendency to buckle wheels). Thereafter, the bicycle parking shall be retained/maintained for that phase for the sole purpose intended.

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

56. Each phase of development shall not be used unless and until all redundant accesses on land within that phase of development 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.

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

57. Each phase of the development shall not be brought into use unless the car parking accommodation, access roads and internal paths for that phase as shown on the phase specific approved reserved matters drawings have been provided in accordance with those plans and thereafter retained/maintained for the sole purpose intended.

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

58. Prior to occupation of each phase of the development, all vehicle and pedestrian areas within that phase shall have been surfaced, sealed and drained to the satisfaction of the Local Planning Authority.

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

59. All respective development phases and their associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy for that phase. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy for the phase, 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 phase specific 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.

60. Upon completion of any measures identified in the approved phase specific Remediation Strategy or any approved revised phase specific Remediation Strategy a Validation Report for that phase shall be submitted to the Local Planning Authority. Each phase of development shall not be brought into use until the Validation Report for that phase 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.

61. Before each phase of the development hereby permitted commences, the applicant shall submit for written approval by the Local Planning Authority a report giving details of the impact of light from that phase of development on adjacent dwellings. The report shall demonstrate that the lighting scheme for the phase is designed in accordance with The Institution of Lighting Professionals documents GN01 Guidance Notes for the Reduction of Obtrusive Light, and PLG05: The Brightness of Illuminated Advertisements. Each phase of development shall be carried out and thereafter retained in accordance with the approved details.

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

62. Prior to the occupation of each building within each phase of the development hereby approved, the opening hours, delivery and waste collection times for that use shall be submitted to and approved in writing by the local planning authority. The building in question shall then only operate within the agreed opening hours, delivery times and waste collection times. Agreed operational and delivery hours shall have regard to the conclusions of the approved Noise Impact Assessment (Ref. NIA-11021-23-11350-v1 Penistone Road, Dated 17th October 2023).

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

63. No loudspeakers are to be fixed externally nor directed to broadcast sound outdoors at any time. Any external intercom units used for the purpose of communicating food orders, or otherwise, shall be operated in such a manner as to remain inaudible at the nearest off-site noise sensitive receptor facade at all times.

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

64. Prior to the commencement of development above ground level for each phase, details of a hard and soft landscaping scheme for that phase shall be submitted

to and approved in writing by the local planning authority. The approved landscape works for each phase shall be implemented prior to that phase of development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter, the landscaped areas in the phase 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 it is essential for these works to have been carried out before the use commences.

65. No building or other obstruction including landscape features shall be located over or within 6 (six) metres either side of the centre line of the public water main i.e. a protected strip width of 12 (twelve) metres, that crosses the site.

Furthermore, no trees or other landscaping features are to be planted within the restricted strip. If the required stand-off distance is to be achieved via diversion/closure or an agreed alternative scheme of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion/closure or relevant agreement 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.

66. Before any above ground development of any phase commences, an Energy Statement for that phase shall be submitted to and approved in writing by the Local Planning Authority. Development of that phase shall be carried out in accordance with its approved Energy Statement.

Reason: In the interests of sustainable development.

67. Within each phase of the development, should the clearance of site vegetation, trees or buildings take place within the bird nesting season (March to August inclusive) a pre site clearance check shall be carried out for that phase by a suitably qualified ecologist to establish the presence of nesting birds. If active bird nests are present clearance works should only proceed once all chicks have fledged.

Reason: In order to ensure that nesting birds are not adversely affected by the development.

68. 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 building in each phase of development 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.

69. No commercial hot food uses hereby permitted (i.e. drive-through restaurants, coffee shops) shall commence unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval 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.

The hot food 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.

70. Details of all proposed external materials and finishes for buildings in each phase of development, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority prior to their use within that phase of development. Thereafter, the phase of development shall be carried out in accordance with the approved details.

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

Other compliance Conditions

71. Within each respective phase of development, no doors/windows shall, when open, project over the adjoining footpaths within the development with the exception of fire exits.

Reason: In the interests of pedestrian safety.

72. The cumulative total of gross internal floorspace of units on the application site as a whole whose use is primarily for convenience retail purposes within Use Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or any statutory instrument revoking and re-enacting that Order shall not exceed 1,910 sq metres. This condition does not apply to the sale of hot food from café / restaurant / drive-through floorspace.

Reason: In the interests of the vitality and viability of nearby District and Local Shopping Centres.

73. No goods or materials of any kind shall be stored within the yards of any units within any phase of development above a height of 5.5 metres above ground level, without the express authority of the Local Planning Authority.

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

74. Each phase of the development hereby approved shall be carried out in accordance with the recommendations contained in the submitted Flood Risk Assessment dated 16th November 2023 (Ref. P22-419-HYD-XX-XX-RP-C-9000).

Reason: In the interest of mitigating flood risk.

75. The development pursuant to the outline element of this permission of the uses listed below shall not exceed the following development levels:
- A. Up to 575 sqm GIA of Use Class E(a) retail floorspace contained within up to two buildings;
 - B. Up to two drive-through restaurants providing up to 412 sq.m GIA of Use Class E(b) / Sui-Generis floorspace;
 - C. One drive-through coffee unit providing up to 167sq.m GIA of Use Class E(a) / Class E(b) floorspace; and,
 - D. Up to three buildings capable of operating as either trade counter, builders' merchant, or storage or distribution units with a combined floorspace of 5,027 sqm (Use Class B8 / Sui-Generis).

Reason: In the interests of the vitality and viability of the Hillsborough District Centre and nearby local shopping centres

Attention is drawn to the following directive(s):

1. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact:

Highway Adoptions
Highways Maintenance
Division Howden House, 1
Union Street Sheffield
S1 2SH

Email: highwayadoptions@sheffield.gov.uk

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

The notice should be sent to:-

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

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

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

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

3. 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

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

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

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

5. 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

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.

6. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:

- Reference to permitted standard hours of working:
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
- No working on Sundays or Public Holidays
- Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
- A communications strategy for principal sensitive parties close to the site.
- Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
 - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - Vibration.
 - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
- A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.

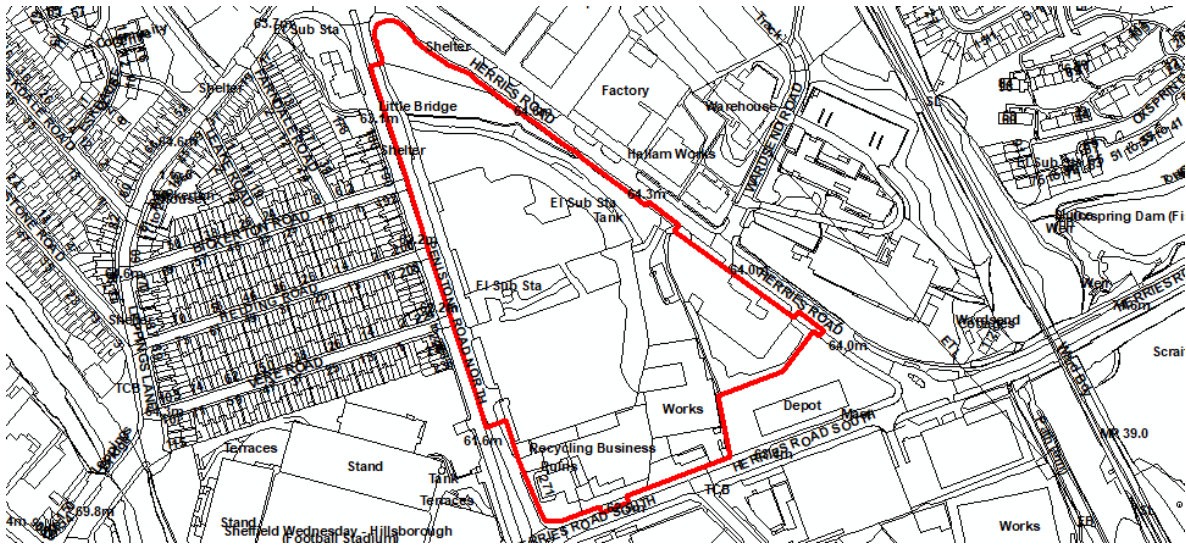
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

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

- 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/content/sheffield/home/pollution-nuisance/contaminated-land-site-investigation.html>.
- Plant and equipment shall be designed to ensure that the total LA_r plant noise rating level (i.e. total plant noise LA_{eq} 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. Reference should be made to the LPA approved noise impact assessment, ENS ref. NIA-11021-23-11350-v1; 17/10/2023.
- For larger commercial kitchens or cooking types where odour and noise risk is higher, reference should be made to the updated guidance document; 'Control of odour and noise from commercial kitchen exhaust systems' (EMAQ; 05/09/2018). Appendix 2 of the document provides guidance on the information required to support a planning application for a commercial kitchen.
- You may need a Premises Licence under the Licensing Act 2003. You are advised to contact Sheffield City Council's Licensing Service for advice on Tel. (0114) 2734264 or by email at licensing@sheffield.gov.uk.
- The LEMP required under condition 4 of the full planning permission and condition 42 of the outline planning permission should include the following details:
 - Topographical survey showing levels, services, boundary features, structures, trees etc.
 - Treatment of existing trees, protection method, surgery, and indicating those specified for retention and removal.

- Topsoil specification and depths.
 - An accurate planting schedule and planting plan at 1:200 or 1:100 scale.
 - A comprehensive list of species and stock specification.
 - Details of planting densities and spacings.
 - Individual location of specimen trees and shrubs.
 - Areas of grass/wildflowers including seed mix and sowing rates.
 - Maintenance schedule to ensure the successful establishment of the scheme.
 - Hard landscaping details, proposed levels, surfacing materials, walls, fencing and street furniture.
 - Details of green roofs, SUDs and biodiversity measures.
 - Six species mix for the boundary hedge planting and native buffer mix are currently shown, but it could be more diverse and should include dogwood, alder buckthorn, honeysuckle, Rosa spp, broom. These details should be included within the LEMP required under condition 4 of the full planning permission and condition 42 of the outline planning permission.
12. 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.
13. 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.

Site Location



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LOCATION AND PROPOSAL

The application relates to a large area of vacant land that is located near to Hillsborough in the North West of the City, which is bound by the A61 Penistone Road, Herries Road and Herries Road South (both the A6102).

The site is approximately triangular in shape and is of a considerable size, being just over 5 hectares in site area. The site mostly comprises of hard surfaced areas, some of which has been previously used on an occasional and temporary basis for 'match day' parking for Sheffield Wednesday's Hillsborough Stadium that is located immediately opposite the site to the South West. It is currently enclosed by temporary hoardings on the Penistone Road and Herries Road South site frontages. Set behind that are numerous piles of demolition rubble deriving from the commercial and industrial unit buildings which previously occupied parts of the site that have been demolished post 2020 subsequent to the previously approved planning permissions being granted.

An area of protected trees (TPO No: 808/157) occupies the northern corner of the site. A watercourse (part open, part culverted) is located within the site. It runs from the northwest, across to the eastern side of the site. It is then piped southwards across the site and under Herries Road South.

The locality is predominantly mixed industrial/commercial in character taking into account of the existing uses on the same eastern side of Penistone Road and those neighbouring the site on Herries Road and Herries Road South. However, on the opposite side western side of Penistone Road is an area of terraced housing and the aforementioned Hillsborough Stadium.

Planning permission was previously granted on this site in January 2020 (19/00037/FUL) for a mixed-use scheme involving the demolition of all existing buildings on site and the erection of 14 commercial units including:

- 3 retail units (within use class A1) comprising a total of 3,199m² floor space.
- 8 storage and distribution units (within use class B8) comprising 8,660m² floor space.
- 2 drive through restaurants (within use class A3/A5) comprising 343m² floor space.
- 1 vehicle maintenance and repair unit (within use class B2) comprising 409m² space.
- Associated landscaping, parking, new access and related highways works on and off site.

A revised application was subsequently submitted and approved (ref 21/00234/FUL) for the demolition of all existing buildings and erection of 9 commercial units including:

- 1 retail unit (Class E(a)) including an Aldi foodstore – 1,899m² floorspace.
- A gym (Class E(d)) – 1,023m² floorspace.
- 3 storage and distribution units (Class B8) one of which includes outside storage and racking – 4,243m² floorspace.
- 2 drive thru restaurants (Class E (b/Sui Generis)) - 343m² of floorspace.
- 1 builders' merchant (Sui Generis) including the display, sale and storage of building timber and plumbing supplies, plant and tool hire, including outside

display and storage along with storage racking. ancillary kitchen joinery showroom – 1,811m² floorspace.

- 1 vehicle maintenance, repair and MOT unit (Class B2) - 409m² floor space.
- 2 substations.

The current submission is a hybrid planning application which is seeking both full planning permission and outline planning permission for the following:-

Full permission:-

- Erection of a food store (Use Class E(a)) (1910sqm Gross Internal Area (GIA), with associated access roads, parking, servicing area, and landscaping.

Outline permission (all matters reserved except for access) for:-

- Unit 1 - Retail Unit (Use Class E(a)) (111sqm GIA).
- Unit 2 – Drive-through restaurant (Use Class E(b) / Sui Generis) (232 sqm GIA).
- Unit 3 - Drive-through coffee shop (Use Class E(a) / E(b)) (167 sqm GIA).
- Unit 4 – Flexible trade unit (storage or distribution, trade counter, or builders' merchant unit) (Use Class B8 / Sui Generis) (3,072 sqm GIA)
- Unit 5 – Drive-through restaurant (Use Class E(b) / Sui Generis) (180 sqm GIA).
- Unit 6 – Flexible trade unit (retail, trade counter or storage or distribution unit) (Use Class E(a) / B8) (464 sqm GIA) .
- Unit 7 – Flexible trade unit (trade counter, builders' merchant, or storage or distribution unit) (Use Class B8 / Sui Generis) (1,491 sqm GIA).
- An electric vehicle charging hub.

The application is divided approximately down the centre of the site, with the full planning permission element of the application comprising the northern side and the outline comprising the southern side of the site.

It should also be noted that the site now includes the former Charlie Browns automobile centre, which was formerly located within the south-western corner of the site adjoining Penistone Road and Herries Road South and was not included in either of the previous applications.

RELEVANT PLANNING HISTORY

The site has been subject to several planning applications during the 1980s, 1990s and one in 2003 for several retail (food and non-food) and mixed-use developments which included offices, business, general industry, storage and distribution, petrol filling stations, vehicle repair uses and fast-food restaurants and car parking. These applications resulted in various outcomes including some that were either withdrawn, refused, granted or allowed on appeal.

The historical planning applications that are most relevant to the consideration of the latest application are 19/00037/FUL and 21/00234/FUL, which have already been summarised in the previous section of the report.

19/00037/FUL was approved by the Council on 3rd February 2020 and 21/00234/FUL was approved on 09 Sep 2021. The current proposal is essentially for a 3rd variation of

the proposals approved under application 19/00037/FUL.

SUMMARY OF REPRESENTATIONS

Site notices were posted near to the site on 19.01.2024 which provided an expiry date for comments of 13.02.2024.

129 representations have been received, all of which are in objection to the application.

The representations are summarised below:-

Highways issues

- Concerns of increased traffic congestion, especially on matchdays.
- The development is car centric.
- Concerns regarding the lack of cycle infrastructure.
- Penistone Road is one of the most well used radial cycle routes into and out of Northwest Sheffield. It is one of the very few cycle routes in Sheffield on a major arterial road which is separated from motor traffic.
- This section on Penistone Road forms part of the strategic National Cycle Network and the Upper Don Trail and the City Council has identified it as a top priority for upgrading in the latest DfT submission.
- Objections to the removal of the cycle path on Penistone Road.
- The current shared cycle path is already inadequate, the application is an opportunity to improve it, not worsen it.
- The red tarmac should be extended across the junction to make it clear and the bike lane and path have priority over the road.
- There is little space for pedestrians to cross which encourages pedestrians to use the cycle lane.
- The uncontrolled crossing at Herries Road South is very dangerous.
- SCC and the developer should have to adhere to LTN 01/20 (4) standards.
- Narrowing of the pavement and removal of the cycle lane is contrary to the NPPF (page 28 and page 33).
- The plan links to three roads and will enable drivers to bypass traffic controls and become a dangerous 'rat-run' for drivers.
- The cycle parking is tucked away in a dark corner, on the edge of the woodland, designing out crime should be encouraged.
- Concerns that Active Travel England has not been consulted. ATE have funding to investigate improving the cycle corridor on Penistone Road.
- Objection to the use of slip lanes and flared corners which encourages people to drive at speed.
- Removal of cycle way is a contradiction of SCC's own policy to promote active travel.
- The development is contrary to Sheffield Transport Strategy.
- The developer should be required to make space and pay for, or at least contribute to, the controlled crossing at the Penistone Road / Herries Road South junction which is urgently needed.
- Safety issue with traffic using the proposed slip road.
- Fails to address the residual cumulative impact of putting a main entrance close to a stadium that already causes a disruptive impact to traffic on match days.

- The new junction on Penistone Road will further slow the flow of traffic on a main arterial route as vehicles navigate the new junction. Penistone Road is already often subject to congestion, and this should not be exacerbated.
- The new slip road will cause a new conflict between pedestrians, cyclists, and vehicles, that doesn't currently exist.
- The site is dominated by parking provision.
- The existing route is the only safe cycling route currently in the north of Sheffield.
- There is no improvement on the lack of pedestrian or cycle crossing at the junction – previous proposals included widening and enhancement of Penistone Road cycleway and commitment for a new controlled crossing at Herries Road.
- The main access for delivery vehicles should be on the Herries Road North, which is less used by cyclists and pedestrians, and which will allow the Penistone Road entrance to be scaled back and a 'Copenhagen' type crossing proposed.

Retail/Business concerns

- Question as to whether there is a need for another supermarket and retail park, with Sainsburys, Asda and Morrisons already close by with a Lidl and Aldi not much further away.
- Kilner Way Retail Park has empty units including Tesco which recently closed.
- The need for additional fast-food outlets and coffee shops queried.
- Objection from licensed catering trailer that has served on Herries Road South for over 25 years during matchday, the reduction of the pavement will affect business which employees several people.

Landscaping and Ecology

- It would be nice to see wooded area expanded and a wildlife park created.

Other issues

- Air pollution and climate obligations raised as a concern.
- Contrary to aims to be Carbon Zero.
- Supporting cycle provision, public transport and walking is key to building a more active population.
- The route forms part of the 2040 South Yorkshire Mayoral Combined Authority Travel Implementation Plan, the development would be contrary.

Cycle Sheffield

- CycleSheffield objects to the application as they assert that it fails to contribute to facilitating active travel on the major roads immediately adjoining the site and in fact significantly degrades the existing active travel provision on Penistone Road.
- In particular they object to the removal of the cycle path on Penistone Road and its replacement by a motor vehicle slip road. They also object to the failure to provide an upgraded crossing over Herries Road South which was a condition for previous applications to develop this site. Objection is also made to the loss of priority for people walking and cycling over the new site entrances.
- Penistone Road is one of the most well used radial cycle routes into and out of

North West Sheffield. It is one of the very few cycle routes in Sheffield on a major arterial road which is separated from motor traffic. It forms part of the strategic National Cycle Network and the Upper Don Trail and the City Council has identified it as a top priority for upgrading in the latest Department for Transport submission.

- In the application the current Penistone Road cycleway has been removed and replaced by a motor vehicle slip road which has been added to Penistone Road, reducing current space provision to a shared footway. Instead of removing active travel infrastructure they state that the developer and SCC must ensure that active travel infrastructure is now built to the Government's Local Transport Note 01/20 standards as part of this development, including widening the existing cycle/footpath.
- They state that the developer should be required to make space and pay for, or at least contribute to, the controlled crossing at the Penistone Road / Herries Road South junction, which is urgently needed.
- They also consider that there should be no loss of priority for people walking and cycling at any junctions or site entrances. The cycle and footway should be continuous over these, in line with modern design standards.
- All of these issues have been well-documented in the discussion and comments on previous applications for this site and Cycle Sheffield would have hoped that these would have formed the starting point of the pre-application process with the planning authority which has apparently taken place.

Councillor Julie Grocutt of Stocksbridge & Upper Don Ward objects on the following grounds:

- As a City, Sheffield has declared both a climate and nature emergency. It has put in place a clean air zone to ensure that its citizens can breathe clean air and live long healthy and active lives. Sheffield is embarking on a new leisure strategy for the city, and I would hope the cycling would play a pivotal part in that, given the investment the city has made in active travel. I was therefore disturbed to learn of this plan to remove the cycle path on Penistone Road and to replace it with a slip road. The changes planned should also provide an opportunity to upgrade the crossing over Herries Road South as in a previous application.

I am concerned that as the only corridor linking the city centre to the north of Sheffield this means that cycle provision is being lost at a time when it should be being enhanced. I therefore object to this application in its current form and seek assurances that cycle provision for the north of the City will be included in it.

Sustrans Rangers and Trans Pennine Volunteers who look after the section of both trails state that the cycleway is abysmal and the development would downgrade it further.

Councillor Lewis Chinchen objects on the following grounds:

- Proposal would lead to a deterioration in active travel infrastructure on Penistone Road.
- Enhancements to Penistone Road cycle route are also lacking.
- The volume of cars that travel on Penistone Road make safe and segregated cycle infrastructure critical.
- The existing cycle path is a well-used and important part of Sheffield's strategic cycle network and more people should be encouraged to active travel.
- The proposal would harm progress in removing the cycle path to make way for a slip road.
- It would add another junction onto the A61 (Penistone Road) which would be a danger for cyclists to navigate.
- Removing the cycle lane would discourage people from active travel, given the limited availability of alternative routes.
- The proposal needs to protect and strengthen cycling infrastructure as per 108(c) of the NPPF.
- Safety improvements at the junction of Penistone Road and Herries Road South need consideration.
- The benefits of the wider application are recognised, but not at the expense of active travel infrastructure.

Councillor Ruth Milsom objects on the following grounds:

- The Travel Plan states its objectives as 'focus on reducing staff and customer trips made by car' and to 'promote walking, cycling and public transport' yet three drive-through units are proposed indicating a presumption that customers will visit by car.
- The plans include the removal of a section of the cycleway fronting Penistone Road.
- The Travel Plan focuses on modes of transport to and from the retail outlets, largely ignoring the consequential effects on active travel provisions for people travelling through the area.
- The removal of the cycleway and new vehicular access would have a significant negative impact.
- Paragraph 2.3.3 of the Travel Plan makes a passing reference that 'the wider community', stating the travel plan will lead to a reduced traffic impact, which is quite unrealistic.
- The junction proposed does not meet LTN1/20 core principles.
- It is difficult to see how a junction can exist in a way that prioritises pedestrians and cyclists.
- A traffic light-controlled junction could remove the slip lane element of the current design.
- Concur with Cycle Sheffield's insistence that the development should incorporate upgrading the junction of Herries Road South and Penistone Road.
- A condition was place on previous planning applications but would like further condition added to include a light-controlled pedestrian or toucan crossing as appropriate.
- Preservation of existing segregated cycleway and full prioritisation of walking, cycling and wheeling at all road junctions will be held as top priority.
- Hope to see removal of 'drive-through' retail outlets from the plans as they conflict with promoting active travel.

Councillor Christine Gilligan Kubo and Councillor Toby Mallinson object on the following grounds:

- Comments made by the Upper Don Trail Trust are supported.
- The proposed crossing will be dangerous for cyclists, as car drivers will not be expecting to stop and give way.
- The junction will make it difficult for cyclists to cross safely and will be a major interruption to a recognised cycle path.
- A controlled crossing will be the safest option if the Penistone Road entrance is retained. Reducing the width of the slip road entrance would be an alternative.
- A wide slip road means drivers are unlikely to slow down as they turned left, increasing danger for cyclists.
- Would prefer the main entrance to be via Herries Road.
- Support comments by the Upper Don Trail Trust that the existing junction with Herries Road should be improved.
- Concerns about safety of football fans when Sheffield Wednesday are at home, as the retail may attract fans to cross.
- Support the development of the site for commercial use, but as Locally Elected Representatives, we object to a supermarket.
- The area is well served by 8 supermarkets already.
- A supermarket encourages greater car use, whilst access on foot is dangerous due to arterial road and football stadium.
- A non-retail commercial development would result in far fewer journeys and greater economic benefit.

Active Travel England (ATE) – ATE initially objected to the proposed development due to their belief the development would impact cycle infrastructure. They have subsequently removed their objection following amendments and discussions. Commentary in response is given within the Highways section of this report.

South Yorkshire Mayoral Combined Authority (SYMCA) – SYMCA have submitted several comments including initially raising concern over the impact to cycling infrastructure fronting the site and have also made requests for developer contributions towards public transport infrastructure and a pedestrian crossing in the locality. Commentary regarding this is provided within the Highways section of this report.

Aldi have also undertaken their own public consultation, compiling and submitting 47 letters of support and 2 of which are in objection to the proposed development.

PLANNING ASSESSMENT

The National Planning Policy Framework (NPPF/Framework) sets out the Government's planning priorities for England and describes how these are expected to be applied. The key principle of the Framework is the pursuit of sustainable development, which involves seeking positive improvements to the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

The documents comprising of the Council's Development Plan (UDP and Core Strategy) date back some time and substantially predate The Framework. Paragraph

12 of the Framework does however make it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

Paragraph 225 of the Framework provides that existing development Plan policies should not however simply be considered out-of-date because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The closer a policy in the development plan is to the policies in the Framework, the greater the weight it may be given.

The assessment of this development also needs to be considered in light of paragraph 11 of the Framework, which states that for the purposes of decision making, where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or
- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

This is referred to as the “tilted balance”.

Set against this context, the development proposal is assessed against all relevant policies in the development plan and the Framework below.

The site is within the Fringe Industry and Business Area designation as defined by the Sheffield Unitary Development Plan Proposals Map (UDP).

Use

The site is within a Fringe Industry and Business Area (FIBA) designation as defined by the Sheffield Unitary Development Plan Proposals Map (UDP). The strip of land between the watercourse at the northern end of the site and Herries Road is identified as Open Space.

UDP Policy IB6 states that the preferred uses in FIBA are business (previously Use Class B1 and now Use Class E(g(iii))), general industry (Use Class B2) and warehousing (B8 excluding open storage). UDP Policy IB6 also lists several non-industrial uses which are considered acceptable in principle. Uses which fall outside the scope of the Use Classes Order are considered to be ‘sui generis’ and will be assessed on their own merits.

Core Strategy in Policy CS5b promotes manufacturing, distribution and warehousing and support the continuation of existing business and industrial uses.

It should be noted that several of the specified use classes listed within UDP Policy IB6

either no longer exist or have been superseded by the October 2020 revision to the Town and Country Planning (Use Classes) (Amendment) (England), which amended the Use Classes Order 1987. As such this planning assessment takes account of the uses described in UDP Policy IB6, rather than the specified use classes i.e. industry, retail, food and drink etc rather than the specific use classes identified by the policy.

The local plan policies as set out in the UDP and Core Strategy are still appropriate and have not been made out of date by the National Planning Policy Framework (NPPF). The NPPF in paragraph 15 requires the LPA to plan positively to meet development needs including non-housing uses. The latest local plan policies that promote employment uses in this area are therefore still suitable and up to date.

The application proposal includes the following uses:

Full permission:

- Food store (Use Class E(a)) (1910 sqm GIA) with associated access roads, parking, servicing area, and landscaping.

Outline permission (all matters reserved except for access) for:

- Unit 1 - Retail Unit (Use Class E(a)) (111sqm GIA)
- Unit 2 – Drive-through restaurant (Use Class E(b) / Sui Generis) (232 sqm GIA)
- Unit 3 - Drive-through coffee shop (Use Class E(a) / E(b)) (167 sqm GIA)
- Unit 4 – Flexible trade unit (storage or distribution, trade counter, or builders' merchant unit) (Use Class B8 / Sui Generis) (3,072 sqm GIA)
- Unit 5 – Drive-through restaurant (Use Class E(b) / Sui Generis) (180 sqm GIA)
- Unit 6 – Flexible trade unit (retail, trade counter or storage or distribution unit) (Use Class E(a) / B8) (464 sqm GIA)
- Unit 7 – Flexible trade unit (trade counter, builders' merchant, or storage or distribution unit) (Use Class B8 / Sui Generis) (1,491 sqm GIA)
- An electric vehicle charging hub.

The principle of redeveloping this vacant previously developed site for a mixed-use commercial scheme has been established by both the previous planning permission (ref. 19/00037/FUL) and the extant planning permission 21/00234/FUL.

As with the previous applications, Use Class E(g)(iii) (formerly Use Class B1), Use Class B2 (General Industry) and Use Class B8 (warehousing) remain preferred uses of land in FIBA's.

The proposed uses are assessed as follows:

- Two drive-through restaurants (Use Class E(b)/Sui Generis) - The drive through restaurants are a food and drink use under the terms of UDP Policy IB6 and are therefore acceptable in FIBAs.
- Drive-through coffee shop (Use Class E(a) / E(b)). The drive through coffee shop is also a food and drink use under the terms of UDP Policy IB6 and is therefore acceptable in FIBAs.

- Flexible trade unit x 2 (storage or distribution, trade counter, or builders' merchant unit) (Use Class B8 / Sui Generis). The proposed use of two units is to be flexible amongst the aforementioned uses. Storage and distribution are considered to fall under Use Class B8 and this is acceptable within a FIBA. The trade counter and builders' merchant have been specified as 'sui generis'. Policy IB6 requires 'sui generis' uses to be considered on their merits. Builders' merchants/trade counters are inherently commercial/industrial in character and in some cases can be determined to fall within Use classes B2 or B8. The site is located within a busy commercial area where a builder's yard or trade counter, regardless of its use classification, is considered to reflect the characteristics of the uses preferred within a FIBA and thus is acceptable in principle when assessed against UDP Policy IB6.
- Flexible trade unit (retail, trade counter or storage or distribution unit) (Use Class E(a) / B8). The proposed use is to be flexible amongst the aforementioned uses. Storage and distribution are considered to fall under Use Class B8 and thus are acceptable under the provisions of Policy IB6. The trade counter and retail have been specified as 'sui generis'. IB6 requires 'sui generis' uses to be considered on their merits. Trade counters can be considered to be commercial/industrial in character and in some cases can be determined to fall within use classes B2 or B8. Many industrial sites include trade counters and given that the site is located within a busy commercial area, a trade counter, regardless of its use classification, is considered to reflect the characteristics of the uses preferred within a FIBA and thus is acceptable in principle when assessed against UDP Policy IB6. Small shops (defined by the UDP as less than 280 sqm sales area) are identified by Policy IB6 as acceptable, whereas shops larger than 280 sqm are identified as unacceptable unless on the edge of the Central Shopping Area or a District or Local Shopping Area. The unit is proposed to be 464 sqm GIA and thus would be classed as unacceptable under the provisions of Policy IB6.
- The food store (Use Class E(a)) – The floor area of the store is to be 1910 sqm. Shops larger than 280 sqm are identified as unacceptable unless on the edge of the Central Shopping Area or a District or Local Shopping Area.
- Retail Unit (Use Class E(a)). The floor area of this unit is to be 111sq m. Shops defined by the UDP as less than 280 sqm sales area are identified by Policy IB6 as acceptable.
- Other proposed works - An electric vehicle charging hub along with associated access roads, parking, servicing area, and landscaping are also proposed. These works are considered ancillary to the overall proposal and thus are acceptable in principle.

The larger retail units (larger than 280 sqm) referenced above, breach the aims of Policy IB6. However, the approach of this policy in restricting larger retail developments (more than 280 sqm) to the locations listed in the policy is inconsistent with the sequential approach prescribed within the NPPF (paragraphs 91 to 95).

The retail uses, coffee shop and drive-through restaurants proposed within the application submission are defined as 'main town centre' uses under Annex 2 of the NPPF. The acceptability of these uses is therefore considered against the more up-to-

date guidance in the NPPF (paragraphs 91 to 95) later in this report.

It is acknowledged that it is now possible to change use flexibly within Use Class E, which would make it possible under current permitted development rights to change from retail, a food or drink use or indeed a light industrial use to a broad range of uses including retail, indoor sport or a day nursery for example. Such flexibility to the use of the proposed premises could ultimately undermine the fringe industrial and business uses designation of the site. Therefore, it is proposed to condition the maximum number of buildings and the amount of floorspace that would be permitted to be used for each of the constituent uses that have been specified within the application to ensure that the future uses on site remain acceptable. Furthermore, with a number of the uses being described as being mixed and falling outside of the established use classes (sui generis) planning permission would be required before changes of use could take place in the future.

Industry and Business Policy

The total floorspace proposed is 7627sqm (1910 sqm subject to full planning permission and 5717sqm subject to outline planning permission). The area of floorspace dedicated to each use is outlined below:

- The proposal includes floorspace of 2021sqm explicitly for retail (Use Class E(a)), but when accounting for and including the coffee shop and one of the flexible units, there could be a maximum of 2652sqm floorspace dedicated to retail.
- The drive-through restaurants would have a combined floorspace of 412 sqm.
- The coffee shop would account for a floorspace of 167 sqm, but as mentioned above could be used as any form of retail as an alternative.
- The flexible use units are inherently industrial/commercial in character and would comprise a combined floor area of 5,027 sqm, however due to the flexible nature of one unit, 464 sqm could be used solely as retail, which would reduce the floor area dedicated to a commercial/ industrial use to 4603 sqm.

The overall floorspace proposed (7627sqm) is reduced compared with the extant planning permission (9728sqm).

The area of the site subject to the full planning permission is solely dedicated to a food store which comprises a floorspace dedicated to food retail of 1910sqm. The remaining 5717sqm of floorspace is subjected to outline planning permission.

The extant planning permission included 6463sqm of floorspace dedicated to industrial and warehousing uses (B2, B8 and sui generis) which accounted for approximately 66.4% of the total area. The proposal shown within the current application now includes a minimum floorspace of 4603sqm (if excluding the retail from the flexible unit) dedicated to industrial and business uses (B8 and sui generis), which forms approximately 60.4% of the total area. If the retail use is not taken up within the one flexible unit, then the total floorspace dedicated to industrial/business uses would be 5027sqm, which would then account for approximately 66% of the overall floorspace

proposed by way of comparison.

The maximum retail space (Food store, retail unit, coffee shop and retail within flexible unit) would account for approximately 34.8% of the total floorspace. If accounting for solely retail space (discounting the coffee shop and flexible unit), then the floorspace for retail would account for approximately 26.5% of the total area proposed.

The drive-through restaurants would only account for approximately 5.4% of the total floorspace proposed.

The drive-through coffee shop (excluding if it became explicitly retail) would account for approx. 2.1% of the total floorspace.

B2, B8 and light industrial uses (formerly B1 and now Use Class Eg(iii)) are preferred uses (UDP Policy IB6) which should remain the predominant land use in FIBA's as per UDP Policy IB9a. The Core Strategy continues this general approach but introduces some flexibility by encouraging a wider range of employment uses.

Core Strategy (CS) Policy CS1 requires land to be made available for office and industrial development in existing employment areas and there remains a need to safeguard land for commercial development in line with objectively assessed needs. Due to the age of the CS, the level of requirement in the CS is considered to be out of date and The Council's Employment Land Review (ELR) is more up to date. The ELR identifies a lower requirement than the CS, however, there still remains a significant land requirement. The site is identified as suitable for an employment allocation in the ELR, but it forms only one element of what is currently considered to be around a 10-year supply of employment sites.

The current scheme reduces the overall floorspace dedicated to preferred employment uses, but proportionately they would comprise a similar percentage of the floorspace proposed. The use of other parts of the site for non-business/ industrial/storage/distribution uses is not considered to jeopardise the overall supply of land for employment uses in the area, as a large part of the site will be developed for preferred uses and there remain many existing commercial uses in the local area. There is no significant conflict with IB9 (a) or CS1 as employment related industrial and business uses are provided.

The scheme continues to accord with CS2 which promotes business and industry on previously developed land, and locations accessible by public transport. The proposal is also compliant with CS5 which promotes manufacturing, distribution/warehousing and non-office business in the Upper Don Valley; and CS10 which promotes industrial, and business uses in the Upper Don Valley.

UDP Policy IB8 seeks to protect specified industrial and business sites for their preferred uses. However the application site is not a specified industrial and business site in the context of the UDP.

The remainder of the criteria in UDP Policies IB9, IB10, IB11, IB12, IB13, IB14, IB15 and IB16 are either not relevant to this type of development or considered to be complied with.

Open Space Policy Issues

As with the previous scheme the proposed development does not encroach into the open space area within/adjoining the site. Consequently, there is no conflict with local or national open space policy.

Retail Policy

As stated earlier, the UDP Policy IB6 approach to restricting larger retail developments (more than 280 sqm) is not consistent with the sequential approach described in paragraphs 91 to 95 of the NPPF. UDP Policy IB6 requires development to comply with UDP Policy S5 (shopping development outside the central shopping area and District Centres) which is also inconsistent with the NPPF. The weight afforded to IB6 and S5 is therefore substantially reduced.

This assessment does however still consider the cumulative impacts of retail development in line with the requirements of S5, although the weight afforded to cumulative impact is substantially reduced as it is not a specific requirement of the NPPF or the National Planning Practice Guide (NPPG).

In accordance with annexe 2 of the NPPF, the extant planning permission includes floorspace dedicated to main town centre uses (gym, food store, drive thru restaurants) of approx. 3,265sqm (This included a mezzanine floor within the gym). The application proposal now proposes a maximum floorspace of 3064sqm (2600sqm if retail within the flexible unit is not taken up) dedicated to 'main town centre' uses.

The previous application was subject to the sequential and impact tests set out in paragraphs 87 to 91 of the NPPF before its update. The same sequential and impacts tests are contained in paragraphs 91 to 95 of the revised NPPF and remain applicable to the proposed scheme.

Sequential Test

The NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption (paragraph 90).

Paragraphs 91 to 95 of the Framework describe the circumstances when local planning authorities should apply a sequential test (ST) to applications for main town centre uses. A retail impact assessment is required for retail and leisure development proposals with a gross floorspace of over 2500m² (where there is no locally set threshold, as is the case in Sheffield) which should include impact on investment and on town centre vitality and viability.

The purpose of the sequential test is to ensure that the suitability of more central sites to accommodate the development have been fully considered. The applicant has submitted a sequential test.

The main town centre uses proposed as part of the application is broadly comparable to that proposed as part of the 2021 (21/00234/FUL) and 2020 (19/00037/FUL) permissions. The application includes the provision of a foodstore and two drive-through

restaurant units of a similar size as those that formed part of both the 2021 and 2020 permissions. A drive-through coffee unit (167 sqm), small retail unit (111 sqm) and a flexible use unit (464 sqm) for use as either retail unit, trade counter or other storage or distribution use are also proposed, which together replace the gym (1,023 sqm) proposed as part of the 2021 approval and the two retail units (1,291 sqm) included in the 2020 permission.

Overall, the current application proposes a total of up to 3,064 sqm gross of floorspace for main town centre uses, which is less than that proposed as part of the 2021 and 2020 approvals by 201 sqm and 478 sqm, respectively.

Both the NPPF and Planning Practice Guidance do not define the appropriate area of search for sequentially superior sites, the conventional approach is usually to consider the extent of the catchment area likely to be served by the proposed development and then to identify alternative sites, located within or on the edge of existing centres which serve an equivalent catchment, and which could accommodate the scale and form of development proposed.

As was accepted under the previous applications, the foodstore, retail units and drive-through coffee/restaurant units proposed under the current application scheme are expected to draw the majority of their trade from within a 5-minute drive-time catchment area. Shoppers will generally travel to the retail destination that is closest to them and a 5-minute drive-time catchment avoids significant overlap with catchments of other existing destinations that are similar in size to this proposal (of which there are several in north and north-west Sheffield). A 5-minute drive time catchment therefore continues to represent an appropriate area of search for potential alternative sites. The submitted sequential test uses this approach and is considered to remain applicable.

Under the previous consents it was not considered appropriate to disaggregate the proposal, as it was considered that such an approach would lead to smaller in-centre sites being considered for each component of the proposal. Consequently, it was previously concluded that if disaggregation were applied, then the retail units or the drive-through units proposed as part of the 2020 scheme could be located on the Hillsborough Exchange site. However, the Council previously considered that owing to the detailed nature of the proposal and the number of end tenants already in place, that the units formed part of a larger proposal for other uses for whom operators have been identified, and it would be unreasonable to apply that much flexibility due to the detailed nature of the application.

For the current hybrid application proposal, full planning consent is similarly sought for the proposed foodstore and supporting infrastructure, which is to be occupied by Aldi. However, outline consent is now sought for the remainder of the site, the reason for this being that the previous planning permissions have not enabled the delivery of the site. The application submission states that the mix of uses comprising the outline element has come forward following discussions with potential future occupiers. However, the end users of the outline proposals remain unconfirmed at this stage.

The submitted Retail Impact Statement states that disaggregation is also not appropriate for the current application scheme for several reasons as detailed below:

- The fallback position of the extant planning permission which comprises similar

uses and floorspace.

- Aldi enabling investment, as disaggregating Aldi would preclude the remainder of the site from coming forward and would not be viable without Aldi's investments.
- There is no requirement to consider disaggregation of preferred industrial uses on site, however if the remaining 'main town centre' uses were disaggregated then the delivery of the other employment generating elements of the proposed scheme would unlikely become commercially viable.
- There are no sequentially preferable sites to accommodate the proposed foodstore and drive-through units.
- Case law (Aldergate Properties (2016) High Court Judgement (Aldergate Properties Ltd v Mansfield District Council and Regal Sherwood Oaks Ltd CO/6256/2015)) concluded that a site should accommodate the broad type of retail development proposed in terms of approximate type, size and range of goods. The Cribbs Causeway (2018) call-in Inquiry concurred with this approach.

Accounting for the assessments undertaken under the previous applications and in light of the above, it would seem unreasonable to require disaggregation when applying the sequential test to the application proposals.

Consistent with the previous applications, search for suitable opportunities in the catchment area, the applicant has applied a 20% allowance either way to the proposed developable retail area. These parameters demonstrate a flexibility over the format and scale of the development that are reasonable and accord with the National Planning Practice Guidance (NPPG), which advises that it is not necessary to demonstrate that a potential town centre or edge of centre site can precisely accommodate the scale and form of development being proposed.

The applicant did not find any suitable or available sites within the catchment. Under planning application ref 19/00037/FUL, Hillsborough Exchange was considered available and it was thought could feasibly accommodate the amount of proposed floorspace. But the conclusions were that the characteristics of the proposed development would not suit the operational requirements or trading model of a discount foodstore and the drive-through facility in particular. Discount foodstores require ample car parking that is easily connected to the store and a prominent roadside location which is capable of attracting passing trade. Officers agreed with this conclusion under both the previous planning permission (ref 19/00037/FUL) and the extant planning permission (ref 21/00234/FUL), which was in line with the principles associated with the High Court Judgement in respect of Aldergate Properties Ltd v Mansfield District Council and Regal Sherwood Oaks Ltd (issued July 2016), in which Mr Justice Ouseley gives clarity to the level of flexibility required when assessing a sequential test. There are not considered to be any reasons to revise the Council's position on this matter. Consistent with the previous approval there are not considered to be any other suitable sites for the main town centre uses proposed within this revised scheme, and on that basis, the sequential test is considered to have been passed.

It should be noted that the Aldi in Flora Street Retail Park, Lidl at Stannington Road and Sainsbury's at Clay Wheels Lane are located outside of the defined centres and do not therefore benefit from any town centre policy protection. In any case, the submitted retail impact assessment anticipates that any trade impacts of the proposed Aldi on these stores are considered modest and not expected to undermine the viability of these stores.

Retail Impact Assessment

A retail impact assessment was carried out under the 2020 permission (19/00037/FUL) because the total amount of proposed retail floorspace was above 2,500m², which is the trigger point within the NPPF (Paragraph 94) for when an impact assessment is required. The proposal under the extant planning permission (21/00234/FUL) reduced the amount of retail floorspace to below the trigger point, but UDP Policy S5, which carries limited weight, required impact to be considered for all retail development outside the Central Shopping Area and District Shopping Centres.

The current proposals involve a total floorspace of up to 3,064 sqm for main town centre uses, comprising a discount foodstore of 1,910 sqm (GIA) / 1,356 sqm (net), alongside up to 575 sqm (GIA) of Use Class E(a) retail floorspace, up to 412 sqm (GIA) of Use Class E(b) / Sui-Generis drive-through restaurant floorspace, and up to 167 sqm of Use Class E(a) / Class E(b) drive-through coffee shop floorspace. A retail impact assessment is therefore required and has been completed in accordance with Paragraph 94 of the NPPF and saved Policy S5 of the UPD to inform the Local Planning Authority's consideration of the application proposals.

The NPPF and the NPPG do not require an assessment of the cumulative impacts of developments but Policy S5 does (in relation to the City Centre and District centres).

The previous impact assessment was considered by the Council and was independently reviewed by external consultants appointed by the Council.

Hillsborough District Centre

In terms of impact upon Hillsborough district centre, the largest convenience trade impact of the discount foodstore and small retail unit(s) on the centre will be felt by the Morrisons foodstore on Penistone Road, which the submitted assessment states is not at a level that would undermine the viability of the Morrisons store. The Morrisons store is over five times larger than the proposed Aldi foodstore and it will remain a strong food retail anchor for the centre. Only a limited amount of trade is expected to be diverted from other smaller convenience facilities in the centre, which will not materially affect the viability of these stores.

Comparison trade diversion to the proposed development from Hillsborough district centre is expected to be limited. The Aldi store will not compete to a significant degree with Hillsborough's comparison goods offer and even if the potential two small retail units come forward for comparison retail floorspace, it is not expected that this would result in any discernible impact on comparison retail trade and provision in Hillsborough district centre, which encompasses a large and strong comparison retail offer.

Furthermore, the fact that Aldi does not contain cafés, staffed counters, or concessions means that it will not compete directly with Hillsborough's strong leisure and retail service sectors. The proposed drive-through coffee shop is not expected to have any noticeable bearing on café trade in Hillsborough district centre. Whilst the McDonalds of the A61 Penistone Road could potentially be affected by the proposed drive-through restaurant uses, any potential impacts are unlikely to be significant or result in any wider implications for the centre as a whole.

Overall, the convenience trade impacts on individual stores under a worst-case scenario are well below what could be considered to result in a 'significant adverse' impact on future trade and the percentage trade impacts on the centre overall would be substantially less. The Sheffield Retail and Leisure Study health check assessment of Hillsborough district centre confirms that Hillsborough is a vital and viable centre with a particularly strong retail and leisure services offer. Accordingly, it is considered that the proposed development and the modest trade impacts this will have on the centre will not have a significant adverse impact upon the vitality and viability already enjoyed by Hillsborough district centre. This district centre is successfully performing its role and function within the local retail hierarchy and, for the reasons given, this will not change following the opening of the proposed development.

The revised proposal is not likely to result in a significant adverse impact on the vitality and viability of Hillsborough District Centre, which was previously identified to be operating above its benchmark. It also remains anchored by Morrisons and provides a good range of comparison shops and other related retail services expected of a district centre.

Catch Bar Lane Local Centre

Catch Bar Lane local centre is located approximately 400m west of the application site and is focused along Middlewood Road and Catch Bar Lane, with Middlewood Road forming part of the tram route into Sheffield City Centre.

An Asda supermarket is located in the centre, which is expected to function as a predominantly top-up food shopping destination given its small size (of approximately 640 sqm) and very limited car parking provision.

The findings of the household survey with the submission confirm that Asda at Catch Bar Lane attracts predominantly top-up food shopping trips, with top-up food shopping account for 69% of all Study Area residents' spending at the store.

Other convenience retail provision is relatively limited and includes a newsagent and vape shop. The comparison retail offer is unusually wide ranging for a local centre and includes several motor vehicle, parts and repair shops, a cycle store, a fire shop, flooring, florists, art and picture framing, gifts and a clothing shop. The remaining offer is focused on retail and leisure services and includes numerous takeaways, cafés and a restaurant/bar, along with several hair and beauty salons.

It is therefore considered that Catch Bar Lane is a healthy centre and functions as an important local retail and service hub for local residents.

Asda provides the principal food shopping destination in Catch Bar Lane and, as a small store located on an important public transport corridor, functions primarily as a top-up food shopping destination. It provides a mainstream food offer including branded products, a bakery and hot food. Alongside its convenience offer, the Asda store serves a varied role in providing a newsagent and off licence offer that includes tobacco products and services including PayPoint. Aldi does not offer these 'ancillary' lines or functions that are normally found in mainstream supermarkets. The offer at the Asda store is therefore qualitatively different to the proposed discount foodstore, which

provides largely own-branded products and attracts mostly main food shopping trips. The proposed Aldi would not therefore operate in direct competition with the Asda store and the potential for trade diversion will be curtailed with the Asda continuing to fulfil an important top-up food shopping and newsagent role within Catch Bar Lane local centre.

Nevertheless, there would inevitably be a degree of customer overlap and trade diversion to the proposed Aldi store (and potentially other convenience floorspace within the proposed scheme) given the relative proximity of the application site to the Asda store. As explained in the submitted quantitative impact assessment, the trade impact of the proposed scheme on the Asda at Catch Bar Lane will be a modest -5.7% and will not therefore be at a level that would undermine the viability of the Asda store. Other convenience provision in the centre is limited and given the scale and type of provision, no discernible trade impact is expected to be felt by any of the shops in Catch Bar Lane local centre other than the Asda. The percentage trade impact on the centre overall would therefore be substantially less.

Overall, the proposed scheme would have no significant implications for the future role and function of the Asda foodstore at Catch Bar Lane or the vitality and viability of the centre as a whole. The current assessment of vitality and viability of Catch Bar Lane local centre confirms that the centre successfully fulfils an important and localised role as a retail and service hub for local residents and this role will not be undermined by the proposed scheme. The location of the Asda and wider centre adjacent to the tram route into the city centre, and in proximity to Hillsborough Primary School and Hillsborough Stadium would continue to drive footfall at the Asda store and support the vitality and viability of the centre as a whole.

Halifax Road Local Centre

Halifax Road local centre is located approximately 1 km west of the application site and is located along the eastern side of the A61 Halifax Road at the junction with Southey Green Road. The centre encompasses a Lidl foodstore and several terraces of small shops. Alongside the Lidl, other convenience provision in the centre comprises a One Stop convenience store and two e-cigarette stores. The comparison offer includes a pharmacy, domestic appliance shop, tiles, florists, a mobility centre and a charity shop. The remaining offer is focused on retail and leisure services and includes several hair and beauty services, and several takeaways including national brands such as Pizza Hut, Domino's and Papa John's.

The centre is well occupied with limited vacancies. Plenty of on and off-street parking is available off the A61 and the units and general environment is in reasonably good condition. Overall, it is considered that Halifax Road local centre is a healthy centre that fulfils an important role of meeting the local convenience retail and service needs of residents within a localised catchment, alongside functioning as a takeaway hub for the wider area and serving the needs of pass by trade on the busy A61.

As identified in the submitted quantitative impact assessment, convenience trade diversion from Halifax Road local centre to the proposed development will be focused on the Lidl foodstore in the centre, which will experience a trade impact of some -7.9%. Quantitative evidence demonstrates that the Lidl store is performing strongly and is currently attracting a convenience turnover of £2.7m above its company average benchmark. It is therefore expected that even after the introduction of the proposed Aldi

foodstore and potentially two small shops, the Lidl in the centre would still to continue to achieve a turnover of £1.8m above its company average. Accordingly, there is a low prospect of the impact of the proposed new Aldi foodstore and small shop(s) undermining the viability of the Lidl in Halifax Road local centre.

Aside from the Lidl, no discernible trade diversion is anticipated from any other facilities in Halifax Road local centre given the limited other convenience retail provision in the centre.

Given the evidently strong trading performance of the Lidl in Halifax Road local centre and the overall vitality and viability of the centre, the proposed development would have a low magnitude of impact for its future role and function or vitality and viability.

Other Centres

The view of officers and the independent review at the time of granting the extant permission, considered that the other Centres within the proposal's catchment – Southey Green Local Centre, Dykes Hall Lane Local Centre, Chaucer District Centre, Herries Road Local Centre and Malin Bridge Local Centre – were not likely to be significantly adversely affected by the proposal. There is no reason to change this view and, overall, the impact on vitality and viability is likely to be reduced because of the reduced floorspace proposed.

Conclusion of retail impact

The proposed development is unlikely to give rise to any significant adverse impacts upon the vitality and viability of Hillsborough district centre, Catch Bar Lane local centre, Halifax Road local centre, or any other surrounding centre.

Whilst the proposed scheme will inevitably divert some retail trade from stores within these centres, Hillsborough, Catch Bar Lane and Halifax Road are assessed to be healthy centres and the impacts of the application scheme would not reach a level that will materially affect the viability of any individual stores, or the vitality or viability of these centres as a whole. Hillsborough district centre currently serves an important role within the local retail hierarchy in meeting the day-to-day needs of the local resident population. Likewise, Catch Bar Lane and Halifax Road local centres both fulfil an important localised role of meeting the day-to-day convenience retail and service needs of residents within a small local catchment. These roles will continue irrespective of the application proposals.

The development would not result in a 'significant adverse' impact upon any existing, committed or planned retail investment within Hillsborough district centre, Chaucer district centre, Catch Bar Lane or Halifax Road local centres, or any other centre.

No conflict is therefore anticipated with Paragraph 94 of the NPPF and the scheme is also considered to accord with the local retail impact test set out in Policy S5 of the UDP.

Design & Layout

UDP Policy IB9 c) requires development to be well designed with buildings of a scale

and nature appropriate to the site.

Policy BE5 of the UDP also puts forward design policy, including encouraging original architecture; promoting design on a human scale; and taking full advantage of the site's natural and built features.

UDP Policies BE6 (Landscape Design), BE8 (Access to Workplaces), BE9 (Design for Vehicles), BE10 (Design of Streets, Pedestrian Routes, Cycleways & Public Spaces) and BE12 (Public Art) are also considered applicable.

Policy CS74 of the Core Strategy sets out design principles for new development, including requirements for developments to respect and enhance the townscape character of the city's neighbourhoods; contribute to place-making; transform the character of environments that are lacking in distinctiveness; and contribute towards creating attractive, sustainable and successful neighbourhoods.

These policies are considered to accord with the design principles in paragraph 135 of the NPPF which, among other requirements, states that developments should add to the overall quality of the area; be visually attractive as a result of good architecture; establish or maintain a strong sense of place; and optimise the potential of the site.

As mentioned previously, the northern half of the site is subject to full planning permission (the foodstore) and the remaining southern side is subject to outline planning permission with all matters reserved apart from access. The key design considerations at this stage relate to the northern side of the site, with the design and layout of the southern side being considered at reserved matters stage.

The submitted plans show that the proposed foodstore will be positioned on the northern end of the site, enabling it to face west towards Penistone Road North. The layout shown would provide both a presence to Penistone Road North and would also give passers-by a view of the unit's active frontages and boundary landscaping.

The mix of uses proposed on the southern side (outline) would enable the proposed trade / builders' merchant units to be located in the south and east of the site in closest proximity to neighbouring commercial and industrial uses and offers potential for the remaining retail unit(s), drive-through restaurants and coffee shop to be located in the most prominent positions within the site to Penistone Road North. The indicative locations shown would seem logical given the context of the site.

The foodstore entrance would be located at the north-western corner of the building in closest proximity to the nearest residential uses (those on the opposite side of Penistone Road). It is also noted that the proposed orientation of the foodstore has been chosen from both a commercial and 'place making' perspective, as it is considered to enable the building's entrance to link with the footway and highway to the west, whilst also forming a clear desire line (south) with the wider commercial uses which are subject to the outline permission.

The foodstore's servicing area is to be positioned on its southern elevation, ensuring that it does not detract from any key views into the site from Penistone Road North and also meaning that servicing will take place a significant distance from the closest residential properties (located on Penistone Road North).

New landscaping is proposed on the western boundary of the site, including the provision of 25 new trees under the full planning permission part of the scheme, alongside wide-ranging hedgerow and shrub planting where possible throughout the car park. Alongside the retained 1ha area of mature woodland along the northern / north-eastern boundary of the site, the new landscaping will ensure that the future foodstore development is softened and framed by both foreground and background vegetation when viewed from Penistone Road North.

With regards to the building design, the foodstore comprises a contemporary appearance utilising glazing on its north-western and western elevations and faced in both brickwork and cladding. The building includes a 'blade-roof' feature, projecting west, as well as a glazed entrance façade and grey / black canopy, which will project from its north-western and western elevations. It should be noted that the height / pitch of the roof has been reduced slightly when compared to the previous planning application on the site (LPA ref. 21/00234/FUL) in order to ensure that the building maintains a low-profile when viewed from the residential properties to the west along Penistone Road North. This height reduction will also enable views of the proposed landscaping along Penistone Road North and the retained mature woodland that will form a backdrop to the building when viewed from the west.

The proposed foodstore would be lower in height than surrounding residential properties (i.e. less than two-storeys). Additionally, it will be lower in height than surrounding industrial premises and, indeed, considerably lower in height than Hillsborough Stadium which lies opposite the site. The foodstore would be of cohesive form in terms of its shape, given the likely appearance of the proposed buildings on the southern part of the site which would be the subject to a reserved matters application, and with those in the vicinity of the site along Penistone Road. The scale and massing of the proposed foodstore is considered appropriate for its context.

The use of glazing on the foodstore's most prominent elevations would offer views into the sales area for passers-by along Penistone Road, adding a degree of interest to these elevations and creating an active frontage to the scheme. Glazing will also be a key feature at the north-western corner of the unit, to provide a customer entrance and allow natural light into the store.

The nature of the foodstore and its intended operation means that the rear elevations (south-east and east) are relatively blank in appearance. However, the building has been positioned in such a way that the eastern elevation in particular would not be significantly visible and will likely be screened by extensive retained mature woodland.

The design and final layout of the 7 units proposed on the southern side of the site will be considered at reserved matters stage. However, the indicative layout shows a legible layout and the proposed floorspace and height parameters of the development are considered to be acceptable. The introduction of commercial units is established through the extant permission and thus the proposal is considered similar in this respect.

Overall, the proposed layout offers a logical response to the site context and the design of the proposed foodstore would be of a contemporary form, which is considered sympathetic to the scale, form and character of existing surrounding structures. There is

no objection to the overall appearance and materiality proposed, however a condition is recommended to secure full details of proposed materials. The site has extensive boundaries and therefore details of any security fences or other means of enclosure are recommended to be secured by condition.

The proposals are considered to be acceptable in terms of its visual impact upon the local area and as such would accord with UDP Policies IB9 c) and BE5, Core Strategy Policy CS74 and the aims of the NPPF.

Amenity

Paragraph 135 (f) of the NPPF states that decisions should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

UDP Policy IB9 seeks to ensure new development does not unacceptably affect the living conditions of any housing. This policy broadly aligns with the NPPF.

The site is within an established commercial area, which is subject to an extant planning permission for a mixed-used development which is comparable to the current proposal. The site's allocation as a Fringe Industry and Business Area and emerging allocation as a General Employment Zone mean that it is accepted in principle that the site will involve day-to-day commercial/ industrial activity. This designation and context are therefore acknowledged when assessing the proposed uses. Ultimately, the site is within an industrial designation and therefore it can be ascertained that there is a high level of background noise at the present time. Therefore, the addition of new industrial and commercial premises are unlikely to have significant additional impact in terms of a noise source, especially when also accounting for the arterial route of the A61 Penistone Road which carries significant traffic. Notwithstanding further assessment is given below.

Penistone Road North and the A6102 Herries Road and Herries Road South carry significant levels of traffic throughout the day and therefore contribute to a relatively noisy environment within the vicinity of the site. The proposed positioning of the foodstore and the location of the servicing and plant area remains broadly similar to that proposed as part of the extant permission. The extant scheme was shown to be acceptable in noise impact terms and the current scheme will unlikely result in any adverse noise or amenity impacts on neighbouring residential properties.

The foodstore is to be single storey and will be located over 60m from the nearest residential properties on the western side of Penistone Road North at its nearest point. The foodstore's servicing area will be positioned on the south-eastern side of the building alongside the external plant, meaning it will be over 100m from the nearest residential properties on Penistone Road North and at least 250m from the nearest residential properties to the east and south-east, on Binstead Way and Herries Road. The foodstore building will form a barrier between the plant compound and all servicing and other activities and the nearest residential properties to the west providing mitigation for any noise impacts.

Notwithstanding the above, a Noise Impact Assessment prepared by Environmental Noise Solutions Limited (ENS ref. NIA-11021-23-11350-v1; 17/10/2023) has been in

submitted in support of the application. This assessment confirms that plant, servicing and delivery noise associated with the proposed Aldi will be significantly below existing background noise levels at all times and would result in a low noise impact, assessed in accordance with BS 4142. Noise associated with the customer car parking area is also expected to be well below background levels and noise impacts negligible. The Noise Impact Assessment also considers noise associated with traffic generated by the development and concludes that noise impacts would be negligible.

The Noise Impact Assessment further considers the potential noise impacts resulting from the outline elements of the proposed scheme. Whilst information on the required plant is not currently known, it is considered that plant noise can be controlled to acceptable levels by a combination of plant selection, location and attenuation. The submission and approval of a detailed assessment of noise from any fixed plant can be secured by planning condition. Delivery noise levels associated with the proposed drive-through coffee shop/restaurant units and the Use Class B8 / builders' merchant units are assessed as well below existing evening and night-time background sound levels and are expected to result in a low impact in accordance with BS 4142.

In summary, the submitted evidence suggests that there is a low potential for the proposed discount foodstore, retail unit(s), drive through units and the Use Class B8 / builders merchant units to result in any significant adverse impacts upon the amenities of surrounding residential occupiers from noise. This is evidenced from a technical perspective as part of the supporting Noise Impact Assessment prepared by Environmental Noise Solutions Limited.

The Council's Environmental Protection Services (EPS) has reviewed the submitted noise assessment and states that it presents the same background data as that shown within preceding versions for this site, including the 2020 version. The conclusions of the noise report are that the known Aldi, deliveries and car park activities are likely to remain below the prevailing background when calculated at the noise sensitive receptor (NSR) positions. The tolerance is sufficient to be unlikely problematic for the other remaining commercial units, when their additional noise levels are added at the later detailed design stage.

Notwithstanding the above, EPS have advised standard conditions to ensure that noise from the remaining individual units is properly assessed at their respective detailed design stages. Conditions include operating hours, delivery times as well as consideration of extraction systems and the like.

Subject to the imposition of the aforementioned conditions, it is considered that the proposal would have limited impact upon the occupiers of nearby housing and therefore the proposal is considered to comply with UDP Policy IB9 and the NPPF.

Air Quality

Paragraph 192 of the NPPF states that opportunities to improve air quality or mitigate impacts should be identified.

UDP Policy GE23 states that development will only be permitted where sensitive uses would not be adversely affected by sources of air pollution.

An Air Quality Assessment is required for any development that generates 60+ vehicle movements in any hour within 200m of an area exceeding Air Quality Limitation Values. It is also required where sensitive uses, such as housing or schools, are being introduced to or within 200m of the area. Significant industrial polluters may also require an Assessment. In this instance there is housing under 100m away from the site to the west.

An Air Quality Assessment should demonstrate that the proposed development will not cause critical additional harm to air quality or subject sensitive uses to harmful air quality. It should also include proposed mitigation measures if necessary.

The pollutants in Sheffield that are mainly are of concern are:

- Nitrogen Dioxide (NO₂)
- Fine particulate matter (PM₁₀ and PM_{2.5})

These pollutants come from burning diesel and also petrol, gas, wood and coal. Other pollutants of less concern include Sulphur Dioxide (SO₂), Carbon Monoxide (CO), Ozone (O₃), Lead (Pb) and 1,3-Butadiene.

An Air Quality Technical Note prepared by BWB has been submitted in support the application.

An air quality assessment was previously completed for the 2020 scheme (ref. 19/00037/FUL). The 2019 air quality assessment considered air quality impacts during both the construction and operational phases of the 2020 scheme. A construction phase dust risk assessment was undertaken, which predicted that, without mitigation, there would be a medium risk of dust impacts. Mitigation measures commensurate to this level of dust risk were recommended to reduce any impacts to negligible. An operational phase road traffic impact assessment predicted that the impact of the 2020 scheme would be negligible at all modelled receptor locations and no receptor locations experienced pollutant concentrations above the relevant air quality objectives.

The assessment concluded that 'the residual impact of the proposed development was not significant'.

For the 2021 application, an Air Quality Assessment Addendum Letter was submitted confirming that the 2021 scheme would have a lower development trip generation than the approved 2020 scheme. It was therefore concluded that the 'revised development proposals would have less impact on air quality than the previously approved scheme' and residual air quality impacts of the 2021 scheme would remain negligible.

The advice note suggests that the development proposed under the current application is similarly not expected to materially change the conclusions of the 2019 air quality assessment and the 2021 addendum letter. The Air Quality Technical Note explains that since the previous air quality assessment were undertaken, there has been no significant changes in air quality. There has been no new designations of Air Quality Management Areas and monitoring in the area shows concentrations of NO₂ have not increased. The proposed mix of uses on the site is not materially different to that proposed under the 2021 scheme. The overall quantity of development is substantially less, involving a total of 7,627 sqm of floorspace compared to the 9,728 sqm of

floorspace under the 2021 scheme, which represents a 22% reduction in floorspace.

Consequently, it is therefore highly unlikely that the trip generation for the overall site will materially change the conclusions of the 2019 air quality assessment and the 2021 air quality addendum statement. The trip generation associated with the detailed part of the hybrid application, the proposed foodstore, will remain broadly the same as for the foodstore assessed as part of the 2020 and 2021 approvals, and will be well below the overall trip generation for the extant 2021 permission. Moreover, the application proposal is expected to generate a reduction in traffic compared to both of the previous approvals due to the overall reduction in floorspace.

The residual air quality impacts of the proposed development are therefore expected to remain negligible and will not result in a significant adverse impact on air quality. Moreover, the inclusion of an Electric Vehicle charging hub within the development proposals would provide a form of mitigation.

Overall, with the recommended mitigation measures in place the proposals would be compliant with Policy CS66 of the Core Strategy and saved UDP Policies GE22 and GE23, along with national policy and guidance on air quality matters.

Land contamination

Paragraph 189 a) of the NPPF states that decision should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks from land instability and contamination. This includes risks rising from natural hazards or former activities such as mining.

The following report has been submitted in support of the scheme:

- Phase 1 Desk Study (Geotechnical & Geo-environmental), Hydrock ref. 29195-HYD-XX-XX-GE-RP-0001 (20/10/2023)

The Council's Environmental Protection Services (EPS) have reviewed the above report and advise that it is unsuitable for LPA approval at this stage, highlighting several issues.

EPS acknowledge that the site has already had Phase 1 reporting approved under preceding applications, including 19/00037/FUL & 21/00234/FUL. However, the previously approved reporting has not been formally resubmitted under this application, and the submitted Hydrock Phase 1 report is not yet agreed as satisfactory.

In light of the above, the full standard suite of contamination conditions is advised on a precautionary basis.

The agent has agreed to the imposition of these pre-commencement conditions.

Landscape

UDP Policy BE6 states that good landscape design will be required in all new developments.

UDP Policy GE15 states that trees and woodland will be protected.

The above local plan policies broadly align with paragraphs 135 c) and 180 a) of the NPPF which seeks to protect and enhance landscapes.

An Arboricultural Impact Assessment prepared by Tyler Grange has been submitted in support of the planning application, which provides details of existing trees, outlines the main tree related impacts in relation to the proposals, and identifies suitable compensation and mitigation provisions and retained tree protection measures. The application is also supported by landscaping details prepared by Vector Design Concepts Limited (Proposed Landscape Plan ref. 2794-VL_L01).

The tree survey (August 2023) identified a total of 5 groups of trees and 4 individual trees within or in proximity to the application site. An area of protected trees (TPO No. 808/157), traversed by a watercourse (part open, part culverted), occupies the Open Space Area across the north-west of the site. Elsewhere, tree cover is sparse and limited to boundary tree cover in the south-west of the site, aligning the fence line to the adjoining vehicle repair premises and timber yard.

The surveyed trees are categorised as a mix of low quality and value ('Category C') and moderate quality and value ('Category B') trees or tree groups. No high quality ('Category A'), veteran or ancient trees are present on the site.

The Arboricultural Impact Assessment identifies that construction of the proposed development will require the removal of one small group of trees in the south-west of the site. The group of trees proposed for removal is of low quality and value. It comprises a small group of young vegetation that possesses limited arboricultural merits and does not contribute significantly to the appearance and amenity of the site.

A comprehensive landscaping scheme for the proposed foodstore is proposed to enhance visual amenity and compensate for the small loss of trees. This is to involve the planting of 25 trees, new hedgerows, grass mixes and shrubs throughout the foodstore plot as shown within the submitted Landscape Plan (ref. 2794-VL_L01). The new planting will provide a landscape buffer to the protected trees within the Open Space Area across the north of the site along with significant planting along the western boundary of the foodstore plot to Penistone Road North. The proposed landscaping will protect and enhance the landscape character of the Open Space Area and provide greenery along Penistone Road North.

It is considered that the proposed landscaping scheme for the foodstore element of the application will compensate for the small necessary loss of existing trees mentioned above. Further planting will be secured within the remaining areas of the site for which outline planning permission is sought. The landscaping scheme for the outline areas of the site can be secured by condition and agreed with the Council at a subsequent stage.

Tree protection measures outlined within the submitted arboricultural method statement are recommended to be secured by condition. Whilst the proposed landscaping measures are of benefit, it is considered necessary to secure a Landscape and Ecological Management Plan (LEMP) to secure all the species type of the proposed planting to ensure that they are appropriate for the site as well as ensuring that the

landscaping incorporates biodiversity and ecological benefits which will be discussed within the following section of the report.

Subject to the above conditions, the proposal is considered to secure a positive impact upon the landscape of the site and protection of existing trees and would accord with GE6 and GE15 of the UDP and paragraphs 135 c) and 180 a) of the NPPF.

Ecology

UDP Policy GE11 (Nature Conservation and Development) states that the natural environment should be protected and enhanced and that the design, siting and landscaping of development needs to respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

UDP Policy GE15 is also relevant which seeks to encourage and protect trees and woodland.

Core Strategy Policy CS74 (Design Principles) identifies that high-quality development will be expected, which respects, take advantage of and enhances the distinctive features of the city, its districts and neighbourhoods, including important habitats.

NPPF paragraph 180, 185 and 186 sets out principles to ensure that biodiversity and habitats are protected. The aims of the local and national policies broadly align, and the local policy can be afforded significant weight.

An Ecological Impact Assessment has been submitted in support of the scheme.

The Ecological Impact Assessment identifies that five designated sites and one non-statutory site are located in proximity of the application site. Two Natura 2000 sites are located around 7 km southwest of the site: the South Pennine Moors Special Area of Conservation and Peak District Moors Special Protection Area. Three statutory designated sites are located within 2 km of the application site: the Neepsend Railway Cutting Site of Special Scientific Interest (SSSI), Wadsley Fossil Forest SSSI and Neepsend Brickworks SSSI. The non-statutory River Don Local Nature Site (LNS) is located 0.3 km east of the application site.

The report finds that no adverse effects on the South Pennine Moors Special Area of Conservation and Peak District Moors Special Protection Area are anticipated given the distance of these protected sites from the application site and the nature of the proposed development. No impacts on the three SSSI or the River Don LNS during the operation phase of development are anticipated given that no significant change of use of the site is proposed when compared with the extant permission. Whilst there is potential for impacts during the construction phase these can be mitigated through the implementation of an appropriate Construction Environmental Management Plan (CEMP) in line with best practice to limit dust and pollutant runoff, to avoid potential impacts to retained site and offsite habitats.

The assessment confirms that the site comprises predominantly previously developed hardstanding, and includes buildings, scrub, tall ruderal vegetation, some mature native trees, woodland and a watercourse as shown in the Habitat Features Plan within the report. The developed land, scrub and tall ruderal vegetation are considered to be of

negligible ecological importance, the mature trees of local importance, and the woodland and watercourse are priority habitats of local ecological importance.

With regards to wildlife anticipated to be present on site, the assessment found that the site and particularly the woodland and watercourse in the north of the site encompasses habitats that could support foraging bats, and common and widespread nesting and foraging birds. No suitable bat roosting features were found on the site.

Most of the habitats on site that will be lost to accommodate the proposed development, namely the hardstanding, buildings, and tall ruderal vegetation, are of negligible ecological importance. No specific mitigation is therefore required to compensate for the loss of these habitats. Removal of a group of young goat willow trees of local ecological importance is required to accommodate the necessary access to the proposed development. The report determines that the removal of this area will be more than compensated for by the proposed landscaping and replacement planting alongside further measures to enhance the site for wildlife. The woodland and watercourse will be retained as part of the proposed development.

The Proposed Landscaping Plan (ref. 2794-VL_L01) shows that 25 new trees will be provided across the site, alongside extensive native and formal hedge planting, native and ornamental shrub and other planting, and grass.

Proposed new native hedge planting will create a landscape and habitat buffer along the existing woodland edge.

A variety of species-specific enhancements are further recommended in the report to diversify the on-site habitats and enhance the site for wildlife. These include the removal of invasive species, and the provision of bird and bat boxes.

The report confirms that any dust and noise impacts during the construction phase will be minimised through the implementation of a CEMP. New external lighting features associated with the proposed development will not increase current lighting levels, but should be sensitively deployed to avoid light spill onto the retained habitats and newly planted trees. Any works to remove scrub and trees within the 'core' nesting bird season should be preceded by checks by a suitably qualified ecologist.

The Ecological Impact Assessment finds that the retention of the woodland and watercourse along with the proposed new landscaping and habitat enhancements will likely increase the foraging opportunities for bats and nesting opportunities for birds.

Biodiversity Net Gain

A biodiversity net gain (BNG) calculation using the Defra 4.0 metric was completed as part of the Ecological Impact Assessment report, which identifies that the development would result in a gain of +0.92 habitat units, +0.85 hedgerow units, and +0.71 watercourse units. This equates to percentage gains of:

- +17.21% in habitat units
- +100% in hedgerow units, and
- +75.44% of watercourse units.

The development would therefore ensure there is no net loss of biodiversity and provide a substantial overall biodiversity net gain. A Construction and Environmental

Management Plan (CEMP) and Landscape and Environmental Management Plan (LEMP) will ensure the long-term management of the proposed habitat enhancements.

The Council's Ecology Unit has reviewed the application and the submitted Ecological Impact Assessment. They raise no objection to the development of the site, stating, whilst it is a fairly large site it comprises mostly hardstanding, with smaller areas of herb and scrub and the block of woodland at the northern end of the site, which is being retained.

The Ecology Unit also raise no issue with the findings of Ecological Impact Assessment, which informs that there are no predicted impacts to statutorily designated sites, protected habitats or species. The block of woodland is considered Section 41 'priority habitat' (under the NERC Act 2006), which the Council has a statutory duty (its Section 40 'biodiversity duty') to conserve. The woodland will be enhanced by a scrub habitat buffer zone.

The Ecology unit has pointed out that two non-native Schedule 9 invasive species have been identified on site (Himalayan balsam and Japanese knotweed) and therefore a suitable eradication methodology will be required, which can be set out within a CEMP and secured by condition.

The BNG calculation is acceptable, however the Ecology Unit state that the finer points of habitat creation, including species selection and 30 year management should be conditioned and secured under a Landscape and Ecological Management Plan (LEMP.) They state that the suggested species mix for the boundary hedge planting and native buffer mix looks reasonable, but that it could be much more diverse. Six species are currently proposed, but they also recommend consideration of dogwood, alder buckthorn, honeysuckle, Rosa spp, broom. In light of this, a LEMP is advised to be secured by condition.

Ecology Officers have raised a concern with the overall lack of 'green infrastructure' indicated to form part of the development. Natural England has recently issued a Green Infrastructure Planning & Design guide to complement and work alongside BNG delivery, detailing measures such as green or blue roof systems, green facades and 'living walls', sustainable drainage, swales, rainwater harvesting, trees in hard landscapes and habitat features etc. They believe many of these features could easily be incorporated into commercial properties. It is acknowledged that green walls/roofs were secured under the previous application, however the proposal no longer includes such measures as the developers believe the scheme is not viable to include such measures. A refusal of the application is not considered to be substantiated through the lack of such green infrastructure and consideration has to be given the significant biodiversity net gain which would be secured and new landscaping which includes significant tree planting.

On the whole, this application presents some good headline results for biodiversity net gain, and subject to the imposition of the aforementioned conditions securing a CEMP and LEMP, the proposal will achieve a net-gain in biodiversity and will therefore accord with UDP Policies GE11 and GE15 and the aims of the NPPF.

Flood Risk

Core Strategy Policy CS67 (Flood Risk Management) seeks to reduce the extent and impact of flooding and requires the use of Sustainable Drainage Systems or sustainable drainage techniques, where feasible and practicable.

The NPPF (Section 14) seeks to ensure that areas at little or no risk of flooding are developed (Flood Zone 1) in preference to areas at higher risk (Flood Zones 2 & 3). CS67 is considered compatible with the NPPF in terms of reducing the impacts of flooding and therefore retains substantial weight.

The site lies predominantly in Flood Zone 2 with the east of the site and Open Space Area across the north of the site located within Flood Zone 1. The Planning Practice Guidance defines Flood Zone 2 as land with a medium probability of flooding, having between a 1% and 0.1% annual probability of river flooding; or land having between a 0.5% and 0.1% annual probability of sea flooding. Flood Zone 1 is defined as land with a low probability of flooding, with less than a 0.1% annual probability of river or sea flooding.

A Flood Risk Assessment has been submitted in support of the application.

The report identifies that a significant portion of the site is at risk of surface water flooding and identifies two likely surface water flood routes. It confirms that these routes should be fully reviewed and mitigated by raising finished floor levels and shaping external road/site levels to ensure flows are conveyed away from any existing or proposed buildings and towards surface water drainage systems.

The site is assessed as not at risk of groundwater flooding or flooding from drains and sewers. Whilst the site is in a location at risk of flooding from reservoirs, given the rigorous maintenance regimes in place for reservoirs, the residual risk of flooding is considered to be very low.

Sequential Test

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (paragraph 165). The NPPF then sets out the requirement for Local Authorities to apply a flood risk sequential test, which aims to steer new development to areas with the lowest risk of flooding from any source. The NPPF is clear that development should not be permitted if there are any reasonable alternative sites appropriate for proposed development in areas with a lower risk of flooding (paragraph 168). Technical guidance to the NPPF further confirms that a flood risk sequential test for new development is required if the site is in Flood Zone 2 or 3 and a sequential test has not already been completed for a development of the type proposed.

The extant planning permission for a broadly comparable development on the site confirms that the Council has previously been satisfied that there are no reasonable alternative sites with a lower risk of flooding that could accommodate the proposed development. Indeed, the sequential assessment completed in relation to the proposed main town centre uses did not identify any alternative sites appropriate for the proposed development, regardless of their flood risk.

Exception Test

The proposed development (buildings to be used for shops, restaurant, coffee shop, storage and distribution, an EV charging and car parking) is classified as 'less vulnerable' to flooding within the national flood risk vulnerability classification guidance. As confirmed in the Flood Risk Assessment the exception test need not be applied for 'less vulnerable' development within Flood Zone 2.

Mitigation

The residual risk of flooding from both river and surface water flooding will be mitigated through the implementation of the measures proposed within the Flood Risk Assessment. The finished floor levels for all units will be set to a minimum of 300 mm above the 1 in 200-year event and 150 mm above external ground levels to ensure any water falls away from the building footprint. External ground levels to the north-east of the site will be set to ensure that a clear evacuation route above the predicted flood levels can be provided to the higher ground outside the site boundary. The Flood Risk Assessment and Drainage Statement further recommends that all owners and occupants sign up to the Flood Alert system currently in place for this area and that a Flood Warning and Evacuation Plan is prepared for the site.

Subject to a condition securing the requirements of the submitted Flood Risk Assessment, the proposal is considered acceptable in relation to flood risk.

Drainage

Policy CS67 Flood Risk Management of the Core Strategy seeks to reduce the extent and impact of flooding through a series of measures including limiting surface water runoff, through the use of Sustainable drainage systems (Suds), de-culverting watercourses wherever possible with a general theme of guiding development (where possible) to areas at the lowest flood risk.

It is expected that proposals for new development should – as far as possible – use the principles of sustainable drainage systems to deal with surface water drainage. Sustainable drainage systems should be seen as part of an overall strategy that includes surface water drainage, flood avoidance, management, resistance and resilience as appropriate to the site.

Discussions have been undertaken during the application regarding site drainage between the developer and the Lead Local Flood Authority (LLFA).

Amendments to the drainage design have been acknowledged by the developer and the drainage arrangement has been agreed in principle by both the developer and the LLFA. Finalised drainage plans have however not been submitted at this stage and therefore a condition is recommended to be imposed to secure full details prior to the commencement of any works.

Sustainability

Policies CS64 and CS65 of the Core Strategy require all new developments of 500 sqm gross internal floorspace or more to be designed to reduce emissions of greenhouse gases and function in a changing climate and, unless this can be shown not to be

feasible and viable, provide a minimum of 10% of their predicted energy needs from renewable or low carbon energy.

A Renewable and Low Carbon Energy Statement prepared by Sol Environment Limited has been submitted in support of the application. The report considers the Aldi foodstore as this is the only detailed part of the application site as current. Sustainability measures for the outline application will be conditioned and considered at reserved matters stage.

The Renewable and Low Carbon Energy Statement demonstrates that the Aldi foodstore will achieve a significant CO2 emissions reduction when compared with a 2021 Building Regulations compliant development. The CO2 emissions reduction is accounted for by the specification of a well-insulated and airtight building fabric, high efficiency mechanical and electrical systems, an air source heat pump supplemented by a 'freeheat' refrigeration heat recovery system, and a roof-mounted 80kWp solar photovoltaic array. The CO2 emissions reduction for the Aldi foodstore amounts to 66.2%, and therefore exceeds the requirement within Policy CS65 of the Core Strategy to achieve an overall 20% saving, with 10% provided through renewables.

The supporting BREEAM Pre-Assessment also prepared by Sol Environment Limited further concludes that the proposed foodstore element of the scheme is expected to achieve a BREEAM 'Very Good' Rating as a minimum.

The Renewable and Low Carbon Energy Statement further recommends measures in line with notional Building Regulations Part L (2021) standards to enable the outline elements of the proposed development to meet the policy requirements. A detailed energy strategy covering the outline elements will be required at the reserved matters stage.

The Renewable and Low Carbon Energy Statement and BREEAM Pre-Assessment demonstrates that the detailed element (Aldi foodstore) of the proposed development will deliver an energy efficient and sustainable scheme that accords with the national and local planning policies and guidance relating to energy and sustainability matters, most notably Policies CS64 (Climate Change, Resources and Sustainable Design of Development) and CS65 (Renewable Energy and Carbon Reduction) of the Core Strategy. The foodstore element of the scheme has been specified in accordance with the principles of the energy hierarchy and exceeds the energy targets set by the Council.

Highways

Paragraph 115 of the NPPF further states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

UDP Policy IB9 f) requires that sites are adequately served by transport facilities and provide safe access to the highway network and appropriate off-site parking.

As discussed throughout this report, development similar to the current proposal has been approved in two slightly different formats under planning permissions 19/00037/FUL and 21/00234/FUL. The second application retained the food retail

element of the first application, but reduced the number of smaller trade units and replaced them with a number of larger trade units. However the overall gross floor area of the second application was reduced from the first, as were the vehicular trip rates generated. These consented developments were for full planning permission aimed at a comprehensive redevelopment of the entire site (excluding Charlie Browns owing to lease issues at the time). The proposed vehicular access arrangements for both applications were identical.

The development proposal currently under consideration is a hybrid planning application aimed at securing full consent for a slightly reduced Gross Floor Area food retail store (in the same location as before). This would form phase 1 of the development (along with a service yard, car parking, access roads and landscaping). Outline planning permission is also being sought for phase 2 (the remainder of the development site including the former Charlie Browns building), which would accommodate two trade/builders' merchants' units, two drive-thru restaurants, one drive-thru coffee shop, one retail unit, a flexible use trades unit, and an electric vehicle charging hub. The application has been split into two phases as it was proving undeliverable as a comprehensive redevelopment of the entire site. The vehicular access arrangements remain broadly similar to the consented schemes, though a further design iteration has taken place to offer cyclists and pedestrians greater priority across the site frontage (A61). The site access arrangements are now considered to be compliant with the Department for Transport's Local Transport Note 1/20, which relates to cycle infrastructure design.

The application has been supported by a Transport Statement (TS) and Travel Plan (TP) demonstrating compliance with national/local planning policy in relation to transport matters. The scope of the TS was agreed during pre-application meetings between the developer and officers. Given the extensive amount of modelling and junction capacity analysis already undertaken for the previously consented developments (a material consideration) the developer was encouraged by officers not to repeat the same modelling exercise, but to instead review the design of the previously agreed site access arrangements in light of the large number of individual on-line highways related objections the application has generated, and also for the TS to address the issues raised by Active Travel England (ATE), the South Yorkshire Mayoral Combined Authority (SYMCA), and Cycle Sheffield.

Within the on-line representations there were a few concerns about increased congestion, but this was all addressed within the previously consented developments, for which the modelling showed no material increases in queue lengths during the peak periods. A high proportion of customer trips to food stores are already circulating on the local highway network and are therefore not classed as new trips. A further consideration is the reduced gross floor space of this development proposal compared to the consented developments.

The overwhelming concerns of objectors related to active travel and a perception that the existing off-road cycle track running alongside the A61 would be lost to a lane of traffic turning left into the development site, thus forcing cyclists back onto the road. Other concerns related to not enough priority being afforded to pedestrians and cyclists crossing the proposed site access. These concerns were initially echoed by SYMCA, ATE and Cycle Sheffield.

ATE in their consultee response pointed out that they are currently funding Sheffield City Council to undertake feasibility work aimed at providing an LTN 1/20 compliant off-road cycle track along the eastern side of the A61. It would run from the city centre, past the development site, continuing north towards Southey Green Road. Active Travel England (ATE) stated that the granting of any planning permission should not compromise the ATE aspirations for this cycle track. ATE also felt that the site access off the A61 was not LTN 1/20 compliant (not affording enough priority to pedestrians and cyclists). ATE felt that no assessment had been made within the Transport Statement (TS) of how pedestrians would access the site. They continued that no pedestrian trip rates were contained within the TS and they suggested the provision of a controlled pedestrian crossing on the A61 near Vere Road. ATE reaffirmed that the expectation for the segregated cycle track is a 2-metres-wide footway, a 3-metres-wide cycle track, and a 0.5-metre-wide margin to the roadside (so a total width of 5.5 metres). Appropriate cycle parking also needs to be provided at the store.

In response, productive conversations were already taking place between the developer and officers. The ATE comments gave added focus to those discussions. The Council's design team undertaking the ATE funded feasibility work for the cycle track to Southey Green Road from the city centre have been involved in the discussions with the developer to ensure the development does not compromise anything. A total width of 5.5 metres has been agreed/secured across the A61 development site frontage, with land being dedicated to the council at no cost and would be secured by condition.

The site access has undergone a more detailed iteration of design and now affords the required degree of priority to pedestrians and cyclists. ATE are now content that the site access is LTN 1/20 compliant. Regarding the comment about no pedestrian trips generated by the development being contained within the TS, Active Travel England have been informed that given the nominal changes from the previously consented developments, officers were happy to accept a condensed Transport Statement. Officers provided ATE with pedestrian trip rates from the 19/00037/FUL consented development, which for the food store, busiest weekend peak hour, had 29 pedestrian arrivals and 26 departures, and for cyclists 2 arrivals and 1 departure.

Legally, planning conditions must be fair and proportionate to the impact of the development proposal. For the pedestrian trips highlighted above, Officers do not feel the provision of a pedestrian crossing in the vicinity of Vere Street is justified. It would also be extremely costly to provide a crossing in this location as the current central reserve would need to be widened, requiring a realignment of the southbound dual-carriageway. It should also be acknowledged that there are two existing push-button controlled pedestrian crossings on the development site frontage and additional push-button controlled pedestrian crossings further south at the junction between Penistone Road and Parkside Road.

The LPA has worked with the developer, Active Travel England and the South Yorkshire Mayoral Combined Authority. All parties are primarily content there are now no highways related objections to the granting of planning permission.

In addition to the above, it is noted that The Upper Don Trail Trust has submitted two objections. Whilst Officers accept that the proposed new junction does cut across a strategic cycle route it needs to be acknowledged that the site historically benefitted from three separate vehicular accesses onto the A61, with no limitation on the number

of vehicle movements permitted. Furthermore, cars would often bounce up over the kerb along practically the full length of the Penistone Road site frontage to park towards the rear of the footway, regularly partially obstructing the footway. The historic environment along this stretch of Penistone Road was far from ideal for the safe passage of pedestrians and cyclists alike.

Moving to the geometry of the proposed site access, LTN 1/20 guidelines recommend different types of side-road crossings for pedestrians and cyclists depending on the volume/amount of traffic and the speed of traffic being crossed, which in this case enables a priority crossing to be provided as indicated within the submission. Give way markings will be provided in advance of ramped crossing points (so no level change for pedestrians/cyclists). Had the volume and speed been higher, a parallel crossing would have been provided, encompassing zebra crossings and belisha beacons. The site access off Penistone Road has a splitter island, so pedestrians/cyclists have two separate crossing distances of approximately 3.5 metres. The Upper Don Trust have suggested that the primary vehicular access into the development site should be via Herries Road, and that the proposed access off the A61 should be scaled down with the splitter island removed. The Officer response to this is that without the splitter island and with a scaled down access, the crossing distance (in one go) would be significantly greater than 3.5 metres. An independent Road Safety Audit (RSA1) has found no grounds for concern with the proposed site access off Penistone Road, not with the type of crossing, nor the layout/geometry. As mentioned above, the now redundant site had multiple vehicular accesses off Penistone Road (excluding Charlie Browns). The developer was very keen to have a primary vehicular access off Penistone Road. After much discussion, the feeling is that we have an LTN 1/20 compliant site access off the A61. Having reviewed the latest iteration of design, Active Travel England have now withdrawn their deferral recommendation and raise no objection to the granting of planning permission.

With regard the Upper Don Trust comment that the original Aldi plans showed a deceleration lane taking away the existing off-road cycle facility, this was never the case and it appears that there must have been a misreading of the plans. The shared cycle track was shown realigned to the new rear of carriageway. This 'deceleration' lane has been shortened during design iterations, which will help further reduce vehicle speeds turning into the site. It is now more of a precautionary stacking lane. The previously consented developments had conditions that secured a highway improvement line across the site frontage for a future cycle scheme. In negotiations, the developer has now agreed to provide the full 5.5 metres (0.5-metres-wide margin, 3-metres-wide cycle track and 2-metres-wide footway) across the A61 frontage (accepting pinch-points where unavoidable). This forms one of the proposed conditions. The streetlights would be set back to the new rear of footway. If planning permission is granted, the environment along the A61 for pedestrians and cyclists would be significantly improved (with landscaping too) and the old practice of cars bouncing across the footway to park the length of Penistone Road should cease.

Finally, the Upper Don Trust feel that the Herries Road South traffic lights should have a phase added for pedestrians/cyclists to be able to stop traffic when they want to cross the road. Introducing a call for pedestrians/cyclists would require a significant remodelling of the junction. Given the lack of pedestrian and cycle trips generated by the development from this direction, it was felt disproportionate by Officers to insist on such an upgrade. Some preliminary design has been commissioned by the South

Yorkshire Mayoral Combined Authority to improve the A61 off-road cycle track all the way from the city centre, past the development site, up towards Southey Green Road. Within the design brief is a requirement to develop proposals for push-button crossings at Rutland Road and at Herries Road South. The developers for Aldi have accepted a highway improvement line along Herries Road South in the event land is required for the junction improvement. There are currently controlled pedestrian crossings of Penistone Road just north of Herries Road South, and just south of Herries Road.

Community Infrastructure levy (CIL)

The retail elements of the development are subject to a CIL charge of £60 per sqm of gross internal floorspace plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of 'The Community Infrastructure Levy Regulations 2010.'

The funds generated through CIL will be used in connection with strategic infrastructure projects.

Other issues

The applicant has agreed to the imposition of a condition to secure training and employment benefits as part of the construction and operational phases of the scheme which is welcomed.

PLANNING BALANCE

The site lies mostly within a Fringe Industry and Business Area as defined in the UDP. Policy IB6 of the UDP is not consistent with the thrust of the Framework as it places an embargo on retail development that is not in or at the edge of a local centre (for appropriately sized food stores) or other out of centre locations, other than in a Retail Park or in Meadowhall. The NPPF allows such development subject to the sequential and impact test requirements (paragraphs 91 to 95).

Policy S5 (District and Local Shopping Areas) is not reflective of the sequential and impact tests in the Framework and NPPG. Policy S5 also requires consideration of cumulative impacts; the Framework is silent on this matter. The local planning authority is mindful that the cumulative impacts are a material consideration.

The remainder of adopted local plan policies, which are the most important for determining this application, when considered as a 'basket' of policies, still closely align with the Framework.

However, in light of the more up to date guidance in the Framework, Policies IB6 and S5, which are two of the most important local policies relevant to the consideration of this scheme, can be afforded little weight. As a consequence, the 'tilted balance' in paragraph 11 of the Framework is considered to be engaged and so the positive and negative elements of the proposed development (planning balance) must be considered. The application of the planning balance is a matter of judgement for the decision maker.

Paragraph 8 of the NPPF states that, in achieving sustainable development, the

planning system has three overarching objectives: economic; social; and environmental.

In pursuing an economic objective, the proposed development offers the following benefits:

- Promotes inward investment to the area.
- Brings forward development on a vacant previously developed site/derelict land in a location that is easily accessible.
- Provides new industrial and business units, and opportunities for businesses to relocate from unsuitable premises elsewhere.
- Economic benefits relating to construction value, Gross Value Added, business rates income and increased expenditure in the area to the benefit of the local economy.
- Job creation - short term construction phase employment and long-term employment during the operational phase of the development (including promoting local employment opportunities and training).
- Provides contributions towards infrastructure improvements via the community infrastructure levy charge.
- Dedicating land for future investment into pedestrian and cycle infrastructure on the A61.

Conversely there are also some negative elements of the development namely:

- Some of the employment provided, particularly in the retail sector, may be a combination of new jobs and jobs transferred from elsewhere;
- The proposal will impact (although to a lesser extent than the extant permission) on the Hillsborough District Centre (although not to the extent that it would cause significant adverse impact) and the Catch Bar Lane and Halifax Road Local Centres;
- The proposal would result in the loss of some of the site to non-industrial and business uses (but would not jeopardise the supply of land for employment uses).

In pursuing a social objective, the proposed development would:

- Provide safe access to and from the site for staff, customers and visitors.
- Provide accessible buildings for all users.
- Provide cycle access and safeguard land for future cycle schemes.
- Not significantly impact on air quality during the operational and construction phases, and;
- Not harm the living conditions of residents in the locality and;
- Provide access to electrical car charging facilities.

However:

- There would be an increase in traffic movement on nearby roads, although less than the extant planning permission.
- There would be a risk of dust during the demolition and construction phases of the development (although with a condition to mitigate the risk from dust it is not a significant impact).

In pursuing an environmental objective, the proposed development would:

- Regenerate a vacant brownfield and derelict site.
- Take a positive contribution to the appearance of the visual amenities of the area.
- Provide soft landscaping within the development.
- Deliver a significant biodiversity net gain.
- Incorporate measures to reduce energy demand.
- Remediate land contamination by historic use.
- Secure ecological enhancements and long-term management and maintenance of the TPO's woodland within the site; and
- Reduce surface water discharge from the site and subsequent pressure on drainage infrastructure.

However:

- The proposal would result in the loss of existing trees within the developable part of the site (although substantial replacement tree planting and landscaping is proposed and the TPO'd wooded area at the northern end of the site would be retained).

While the High Court Judgement (Aldergate/Mansfield) makes it clear that even out-of-date policies remain part of the development plan, and that any decision is required to assess whether the proposal accords with it, as the starting point, it is considered that the benefits of the proposal highlighted above significantly and demonstrably outweigh the minor adverse impacts of the proposal when assessed against the Development Plan and the policies in the Framework taken as a whole.

SUMMARY AND RECOMMENDATION

This application site is located between Herries Road, Penistone Road and Herries Road South. The principle of redeveloping the site for a commercial led mixed-use scheme was established in January 2020 following the grant of application ref: 21/00234/FUL, which remains extant.

This application is a resubmission of application ref: 21/00234/FUL and includes various changes to the approved scheme including:

- A reduction in the number of units from 9 to 8
- Overall development floorspace reduced from 9,728 sqm to 7627 sqm.
- There would be an increase in dedicated retail floor space from 1,899sqm to 2021 sqm (potentially up to 2652sqm due to a flexible use unit and coffee shop), but proportionately preferred uses would still make up the majority of floorspace – a similar percentage to the previous consent.
- Whilst the retail provision is increased, it replaces floorspace previously dedicated to a gym.

Consistent with the extant permission, preferred uses with this Fringe Industry and Business Area would remain dominant.

The proposed use class B8 (storage and distribution), Builders' Merchant and Trade

Counter (sui generis), and food and drink uses (now class E) comply with UDP Policy IB6 'Development in Fringe Industry and Business Areas'.

However, as the proposals continue to include new out-of-centre retail development (all be it less than the extant permission), and as the retail unit is not 'small scale' in accordance with the definitions in the UDP, the application does not fully satisfy UDP Policies IB6 and S5.

Notwithstanding, UDP Policies IB6 and S5 are not fully up to date as confirmed under the previous application and are no longer consistent with the NPPF as they do not reflect the sequential and impact tests set out in Framework paragraphs 91 to 95. IB6 and S5 therefore carry significantly less weight in the determination of this application.

This current application is considered to have passed the NPPF's retail sequential test. Under the previous application the impact test concluded that the only centres likely to suffer from significant adverse impacts were Catch Bar Lane and Halifax Road Local Centres. Impacts on those Local Centres, and other centres are not considered to have significant impact as discussed within this report.

As Policy S5 is not up-to date, the local planning authority is entitled, having considered S5, to give it less weight and concluded that the adverse impacts on Catch Bar Lane and Halifax Road are not determinative. Again, this position reflects the stance taken on the extant permission.

Cumulative impacts of a development are still a material consideration, however consistent with the stance taken on the extant permission a refusal on the grounds of cumulative impact on Local Centres would not be justified.

When considered on its own or alongside the schemes highlighted in the preceding paragraph, it remains Officers' position in relation to this revised proposal that a refusal of planning permission based on the impacts on any District or Local Centres in the catchment is not justified. It should also be noted that the mixed of uses proposed may help deliver development on this site, which should be given acknowledged given that the site has been redundant for many years.

Consistent with the previous approval, this revised application (subject to appropriate conditions) is not considered to result in any significant adverse impact on existing, committed and planned investment in centre(s) in the catchment area of the proposal and is considered to be acceptable.

The proposal would not significantly harm the living conditions of nearby residents subject to the imposition of appropriate conditions.

The layout, scale and massing of the proposed foodstore and the contemporary design approach is acceptable. The design and appearance of units on the southern side of the site (outline permission) would be considered at reserved matters stage, but the layout shown appears logical and the floorspace and building height parameters indicated on the plans is acceptable. It is considered that the scheme would make a positive contribution to the appearance of the locality and the visual amenities of the locality.

The Highway impacts of the extant permission were extensively modelled, scrutinised,

and found to be acceptable. This application has been supported by a Transport Statement (TS) and Travel Plan (TP) demonstrating compliance with national/local planning policy in relation to transport matters.

The scope of the TS was agreed during pre-application meetings between the developer and Officers. Given the extensive amount of modelling and junction capacity analysis already undertaken for the previously consented schemes (a material consideration) the developer was encouraged by officers not to repeat the same modelling exercise, but to instead review the design of the previously agreed site access arrangements in light of the large number of individual online highways related objections the application has generated, and also for the TS to address the issues raised by Active Travel England (ATE), the South Yorkshire Mayoral Combined Authority (SYMCA), and Cycle Sheffield. Representations raised concerns about increased congestion, but this was addressed within the previously consented applications, for which the modelling showed no material increases in queue lengths during the peak periods. A high proportion of customer trips to food stores are already circulating on the local highway network and are therefore not classified as new trips. A further consideration is the reduced gross floor space of this development proposal compared to the consented schemes. As such will not detrimentally affect the safe and efficient operation of the highway network.

Improvements have been sought to the new junction with Penistone Road (A61), which would increase pedestrian and cycling priority. A total width of 5.5 metres has been agreed/secured across the A61 development site frontage, with land being dedicated to the council at no cost. The site access has undergone a more detailed iteration of design and now affords the required degree of priority to pedestrians and cyclists. Active Travel England are now content that the site access is LTN 1/20 compliant.

The main woodland belt towards the north and north-east boundaries of the site, which is protected by TPO, will remain. The limited loss of trees from the remainder of the site will be compensated for within the development through the provision of new landscaping and tree planting which will be secured by condition under a Landscape and Ecological Management Plan (LEMP).

Appropriate conditions are recommended to secure remediation of the site, sustainability measures, drainage, and flood risk measures.

As with the extant permission the proposal complies with the relevant local planning policies which continue to carry weight and those of the NPPF. For the reasons identified above the development does not give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the Development Plan and NPPF when taken as a whole.

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

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