

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Representations to the Sheffield Plan
Date: 20 February 2023 16:48:09
Attachments: [MandS-Sheffield Plan Representations.pdf](#)

Dear sir or madam,

I am instructed by Marks and Spencer plc to make representations to the Sheffield Local Plan. Accordingly, please find attached the completed Part A and Part B representation forms in respect of the following policies contained within Part 1 and 2 of the Plan:

Policy DE7 Advertisements

Map 6: Central Sub Area Spatial Diagram – Part 1: Vision Spatial Strategy, Sub Area Policies and Site Allocations.

Policy VC1 Commercial, Business and Service Uses and Leisure Developments in the City Centre Primary Shopping Area

If you or a colleague has any questions regarding the representations, please do not hesitate to contact me.

Kind regards,

Clarissa

Clarissa Forshaw-Murphy

Graduate Planner - Planning & Development North

JLL

Landmark St Peters Square 1 Oxford Street | Manchester | M1 4PB

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



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Sheffield Plan Consultation Representation Form January – February 2023

Please use this form to provide representations on the Sheffield Local Plan. Sheffield City Council must receive representations by **5pm on 20th February 2023**. Only those representations received by that time have the statutory right to be considered by the inspector at the subsequent examination.

Responses can be submitted via

- the electronic version of the comment form which can be found on the Council's web site at: <https://haveyoursaysheffield.uk.engagementhq.com/draft-local-plan>
- an e-mail attachment: sheffieldplan@sheffield.gov.uk
- post to: **Strategic Planning Team, Planning Service, 4th Floor, Howden House, Sheffield S1 2SH**

Please note:

- Representations must only be made on the basis of the legal compliance, compliance with the Duty to Co-operate and/or soundness of the Plan.

Please read the guidance note, attached or available on the Council's webpage###, before you make your representations. The Local Plan and the proposed submission documents, and the evidence base are also available to view and download from the Council's Local Plan webpage:

Data Protection Notice:

Under the General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA) Sheffield City Council is a Data Controller for the information it holds about you. The lawful basis under which the Council uses personal data for this purpose is consent.

All representations are required to be made public and will be published on the Council's website following this consultation. Your representations and name/name of your organisation will be published, but other personal information will remain confidential. Your data and comments will be shared with other relevant agencies involved in the preparation of the local plan, including the Planning Inspectorate. Anonymous responses will not be considered. Your personal data will be held and processed in accordance with the Council's Privacy Notice which can be viewed at: <https://www.sheffield.gov.uk/utilities/footer-links/privacy-notice>

Due to the Data Protection Act 2018, Sheffield City Council now needs your consent to hold your personal data for use as part of the Sheffield Plan process. If you would like the Council to keep you informed about the Sheffield Plan, we need to hold your data on file. Please tick the box below to confirm if you would like to 'opt in' to receive information about the Sheffield Plan. Note that choosing to 'opt in' will mean that the Council will hold your information for 2 years from the 'opt in' date. At this time we will contact you to review if you wish to 'opt in' again. You can opt-out at any time by emailing sheffieldplan@sheffield.gov.uk or by calling 0114 2735897.

Please tick/ delete as appropriate:

Please confirm you have read and understood the terms and conditions relating to GDPR.

Yes

No

Please tick as appropriate to confirm your consent for Sheffield City Council to publish and share your name/ organisation and comments regarding the Sheffield Plan.

I confirm my consent for Sheffield City Council to share my name/ organisation and comments regarding the Sheffield Plan including with the Planning Inspectorate.

Yes

No


Please tick as appropriate below if you wish to 'opt in' and receive updates and information about the Sheffield Plan.

I would like to opt in to receive information about the Sheffield Plan.

Yes

No

Printed Name: Clarissa Forshaw-Murphy

Signature: 

Date: 20.02.2023

This form has two parts:

Part A - Personal details – need only to complete once.


Part B - Your representation(s) - Please fill in a separate sheet for each representation you wish to make.

Part A- Personal Details

1. Personal Details

Name: Lynn Scott
Organisation (if applicable): Marks and Spencer plc
Address: 35 North Warf Road, Waterside House, London.
Postcode: W2 1NW
Tel:
Fax:
Email:

2. Agent Details (if applicable)

Agent: Clarissa Forshaw-Murphy
Organisation (if applicable): JLL
Address: 1 Oxford Street
Postcode: M1 4PB
Tel:
Fax:
Email: 

Part B - Your representation

Please use a separate sheet for each representation and return along with a single completed Part A.

Name or Organisation: JLL on behalf of M&S

3. To which part of the Sheffield Plan does your representation relate?

Policy Number: **DE7: Advertisements**

Paragraph Number: **J**

Policies Map:

4. Do you consider the Sheffield Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

4.(1) **Legally Compliant** Yes

No

4.(2) **Sound** Yes

No

4.(3) **Complies with the Duty to Cooperate** Yes

No

5. Please give details of why you consider the Sheffield Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Sheffield Plan or

Policy DE7: Advertisements

Paragraph (j) of policy number 'DE7: Advertisements' is not sound as currently worded.

It states that:

'internally illuminated fascia signs will not be permitted on shop fronts in Conservation Areas and will be discouraged in other areas;'

The description given in paragraph 9.17 recognises that:

'Advertisements and signs can, when well designed, contribute to a sense of vitality in the city and help enable business growth. It is important that their scale, proportions, position and illumination are carefully designed so that they do not detract from the building or area in which they are situated'.

While M&S is aware that Conservation Areas are sensitive, if, like the description says, the illumination advertisements or signs are designed carefully as to not detract from the area, then there should not be a detrimental effect on the Conservation of the area.

Furthermore, the NPPF does not prevent internally illuminated advertisements in conservation areas.

If the proposed internally illuminated advertisement or signage were to sit in the City Centre Conservation Area then it is likely that illuminated signs would be important to contributing to a sense of vitality and help business growth within the city centre. Furthermore, they would contribute to the feeling of a safe environment at night time which is a positive contribution to the historic area. The degree of illumination can be reduced down so that lighting is not glaring but at an appropriate level which respects the historic character balanced with creating a safe and active environment.

The revised wording proposed would ensure the Plan is consistent with national policy, ie the NPPF to ensure it can be made sound.

its compliance with the duty to co-operate, please also use this box to set out your comments.

Continue on a separate sheet if necessary

6. Please set out the modification(s) you consider necessary to make the Sheffield Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified in Question 5 above.

(Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Sheffield Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Policy DE7 part (j) Advertisements.

The wording of the policy should be amended to say:

"internally illuminated fascia signs ~~will not~~ be permitted on shop fronts in Conservation Areas where it can be demonstrated that there is an appropriate luminous intensity ~~and will be discouraged in other areas;~~"

Continue on a separate sheet if necessary

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

Yes, I wish to participate in hearing session(s)

Yes

No, I do not wish to participate in hearing session(s)

No

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The issues raised may be considered too complex to deal with simply in writing particularly if not amended within the submission version of the Plan. It is considered fundamental to the proper examination of the Sheffield Plan that this policy and the evidence base which supports it is fully explored, understood, and addressed by parties who have knowledge of the particular issues raised.

Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

Part B - Your representation

Please use a separate sheet for each representation and return along with a single completed Part A.

Name or Organisation: JLL on behalf of M&S

3. To which part of the Sheffield Plan does your representation relate?

Policy Number:

Paragraph Number:

Policies Map: **Map 6: Central Sub Area-Spatial Diagram-Part 1: Vision, Spatial Strategy, Sub-Area Policies and Site Allocations**

4. Do you consider the Sheffield Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

4.(1) **Legally Compliant** Yes

No

4.(2) **Sound** Yes

No

4.(3) **Complies with the Duty to Cooperate** Yes

No

5. Please give details of why you consider the Sheffield Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Sheffield Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Map 6: Central Sub Area-Spatial Diagram-Part 1: Vision, Spatial Strategy, Sub-Area Policies and Site Allocations

It is considered Map 6 is unsound.

Within 'Part 1: Vision, Spatial Strategy, Sub-Area Policies and Site Allocations' (pg 35), Map 6: 'Central Sub Area-Spatial Diagram' it highlights the 'Main Employment Zone'.

It is our understanding that the Main Employment Zone on the sub-area maps are a combination of the City Centre Office Zone, General Employment Zone, Industrial Zone, Primary Shopping area and Cultural Zones shown on the Policies Map however, this is not explained clearly within Part 1 of the Sheffield Plan.

This is necessary to align with the Proposals Map which shows the separate the City Centre Office Zone, General Employment Zone, Industrial Zone, Primary Shopping area and Cultural Zones.

The confusion means the plan is not effective but can be easily explained to make it sound as required by NPPF paragraph 35.

Continue on a separate sheet if necessary

6. Please set out the modification(s) you consider necessary to make the Sheffield Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified in Question 5 above.

(Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Sheffield Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Map 6: Central Sub Area-Spatial Diagram-Part 1: Vision, Spatial Strategy, Sub-Area Policies and Site Allocations

There should be an explanation that states what the Main Employment Zone is as referenced in 'Map 6: Central Sub Area- Spatial Diagram' (pg 35) in 'Part 1: Vision, Spatial Strategy, Sub-Area Policies and Site Allocations'.

The proposed revision is for the Council to set out an explanation that:

'The main employment zone is a combination of the City Centre Office Zone, General Employment Zone, Industrial Zone, Primary Shopping area and Cultural Zones'

to align with the Policies Map.

Continue on a separate sheet if necessary

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Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

Part B - Your representation

Please use a separate sheet for each representation and return along with a single completed Part A.

Name or Organisation:

3. To which part of the Sheffield Plan does your representation relate?

Policy Number: **VC1: Commercial, Business and Service Uses and Leisure Development in the City Centre Primary Shopping Area**

Paragraph Number:

Policies Map:

4. Do you consider the Sheffield Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

4.(1) **Legally Compliant** Yes

No

4.(2) **Sound** Yes

No

4.(3) **Complies with the Duty to Cooperate** Yes

No

5. **Please give details of why you consider the Sheffield Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.** If you wish to support the legal compliance or soundness of the Sheffield Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy VC1: Commercial, Business and Service Uses and Leisure Development in the City Centre Primary Shopping Area

M&S is encouraged by the principle of Policy VC1 'Commercial, Business and Services Uses and Leisure Development in the City Centre Primary Shopping Area', however the preferred uses limit flexibility for upper levels uses which should be considered as part of future options.. The policy should be able to expand on upper level uses to provide opportunity for a wider range of uses in the PSA which are considered preferred and/or acceptable.

There should also be the inclusion of wider residential uses such as: Co-Living, Purpose Build to Rent; and PBSA (where it can be demonstrated there is a justified need) as acceptable uses.

The amendments would encourage and promote the vitality and viability of the PSA in line with the NPPF. In particular Para 16a to achieve sustainable development; and b to demonstrate the plan is positively prepared so it is both aspirational and deliverable.

The amendments would align with paragraph 86 (b) which '*make clear the range of uses permitted in such locations [including primary shopping areas], as part of a positive strategy for the future of each centre.*'

There are also other widely accepted uses in town and city centres which can be included, such as a range education including further education to private tuition and training facilities, particularly at the upper levels within a PSA.

It is important that a diverse range of active uses are encouraged to ensure the vitality and viability of the future of the PSA

Continue on a separate sheet if necessary

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Policy VC1: Commercial, Business and Service Uses and Leisure Development in the City Centre Primary Shopping Area

The wording of the policy should be amended to say:

Within the City Centre Primary Shopping Area, the following uses will be:

Preferred

- Commercial, business and service uses (Class E) on street level frontages ~~except for offices (Class E (g)(i))~~ and at upper floor level except for industrial processes (Class E(G)(iii))

Acceptable (provided that they do not harm the dominance of the preferred uses)

- Hotels (Class C1)
- Dwellinghouses and Build to Rent (Class C3) except on ground floor street frontages
- Houses on Multiple Occupation (Class C4) or larger HMOs – except on ground floor street frontages or where they would conflict with **Policy NC5**
- Offices (Class E(g)(i))
- Learning and non-residential institutions for the provision of education and non-education (Class F1)
- Local community uses (Class F2)
- Public houses, wine bars or drinking establishments (with or without expanded food provision) – subject to compliance with **Policy NC14**
- Leisure developments - subject to compliance with **Policy NC14**
- Hot food takeaways – subject to compliance with **Policy NC12**
- Purpose Built Student Accommodation (Sui Genris)
- Co Living (Sui Genris)

1. Unacceptable

- General industrial (Class B2)
- Storage or distribution (Class B8)
- Residential institutions (Class C2)
- Secure residential institutions (Class C2a)
- All other uses that would harm the vibrancy and vitality of the City Centre or that would be incompatible with residential uses.

Both within and outside the Primary Shopping Area, development will be permitted provided that (either individually or in combination with other developments) it would not prejudice or delay the delivery of the Heart of the City 2 scheme.

Continue on a separate sheet if necessary

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