

Case Number	21/00763/FUL (Formerly PP-09521639)
Application Type	Full Planning Application
Proposal	Demolition of existing building and erection of a four-storey building to form 8x apartments and formation of new vehicle access to form a subterranean car park, landscaping to form shared gardens and mature tree/hedge planting.
Location	15 Brocco Bank Sheffield S11 8RQ
Date Received	22/02/2021
Team	South
Applicant/Agent	Latham Davies
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Location Plan PL01 - Published Date 22 Feb 2021
Proposed Site Plan PL19 Rev B - Published Date 24 Jun 2021
Proposed Floor Plans (Lower) PL20 Rev B - Published Date 24 Jun 2021
Proposed Floor Plans (Upper) PL21 Rev B - Published Date 24 Jun 2021
Proposed Floor Plans (Elevations Front and Side) PL22 Rev B - Published Date 24 Jun 2021

Reason: In order to define the permission.

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

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

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

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

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

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such

works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

5. No development shall commence until full details of measures to protect the existing trees to be retained, 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. 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.

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

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

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

8. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the

highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

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

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

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

Windows
Window reveals
Doors
Garage door
Eaves
Rainwater goods

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

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

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

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

11. A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority before any masonry works commence and shall be retained for verification purposes until the completion of such works.

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

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

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

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

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

14. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

15. The proposed green/biodiverse roof (vegetated roof surface) shall be installed on the roof(s) in the locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green/biodiverse roof(s) shall be installed prior to the use of the building commencing and thereafter retained. The plant sward shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

16. Notwithstanding the details on the approved drawings, the roof lights in the rear elevation facing towards No, 35 Botanical Road shall have a cill height no lower than 1.7 metres above the finished floor level of the room which they serve before the building is occupied. The roof light positions shall be retained as such thereafter.

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

17. The windows on the side elevations of the building facing north and south, to the ground, first and second floors shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the window shall at any time be glazed with clear glass.

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

18. The development shall not be occupied unless the car parking accommodation for 8 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

Other Compliance Conditions

19. The dwellings shall not be occupied unless the bin store as shown on the approved plans has been constructed in accordance with the approved details. Thereafter the bin store shall be retained.

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

20. The development hereby approved shall be carried out in accordance with, and permanently comply with the recommendations given in the Bat Survey Report by Wildscapes, Ref P1229 V01.

Reason: In the interests of biodiversity.

Attention is Drawn to the Following Directives:

1. 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.
2. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for

permission, quoting your planning permission reference number, by contacting:

Ms D Jones
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6136

Email: dawn.jones@sheffield.gov.uk

3. The applicant is advised that the Local Planning Authority has reason to believe that the application site may contain species and/or habitats protected by law. Separate controls therefore apply, regardless of this planning approval. Please contact Telephone Number **** for more information in this respect.
4. Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

Form Dem 1 (Notice of Intention to Demolish) is available from Building Control, Howden House, 1 Union Street, Sheffield S1 2SH. Tel (0114) 2734170

Environmental Protection Services can be contacted at Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH. Tel (0114) 2734651

5. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at

epsadmin@sheffield.gov.uk.

6. Green/biodiverse roof specifications must include substrate growing medium type and depths (minimum 80mm) and plant schedules. It should be designed to detain at least 60% of the annual average rainfall. A minimum of 2 maintenance visits per year will be required to remove unwanted species (as is the case with normal roofs). Assistance in green roof specification can be gained from The Green Roof Organisation (www.grouk.org) or contact Officers in Environmental Planning email: EnvironmentalPlanning@sheffield.gov.uk. Alternatively see the Local Planning Authorities Green Roof Planning Guidance on the Council web site.

7. 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.

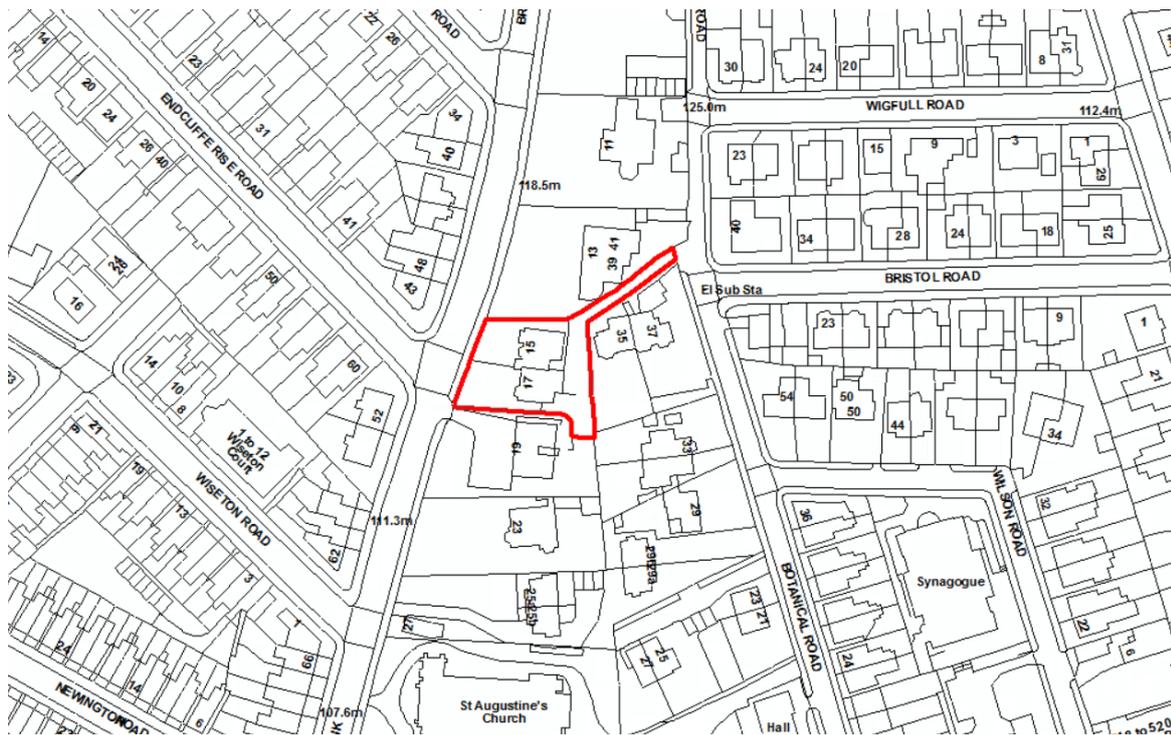
8. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority
9. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

10. 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.
11. During the course of construction, in order to safeguard badgers which may utilise/commute through the site during the construction process, the following actions shall be implemented:
- safe storage of chemicals,
 - covering of trenches at the end of each working day (or inclusion of a means of escape)

Site Location



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LOCATION AND PROPOSAL

This application relates to 15-17 Brocco Bank, a large residential building subdivided into 12 small flats/studios, which was formerly a pair of semi's, dating back to the 1880's. The building at present has 5 units to the ground floor, 5 units to the first floor, and 2 units to the second floor (roof space). There is a substantial cellar although this is not inhabited at present. Vehicular access is provided to the rear at present from Botanical Road down a narrow access with parking to rear for 4 cars.

The site falls within an allocated Housing Area, and an Area of Special Character as defined in the adopted Sheffield Unitary Development Plan (UDP). The surrounding area is predominantly residential in character. Immediately to the south is a 4 storey flat roofed 1960's building containing 6 flats which is served by an access from Brocco Bank. To the north is a building which is split into 5 units and which stands elevated above the site is positioned further into the site away from Brocco Bank. These are No. 13 Brocco Bank, 1 and 3 Cedar Mansions, No. 39 and 41 Botanical Road. Within the wider area is a mix of terraced, semi-detached and detached dwellings. As you travel down Brocco Bank towards the south, there is St Augustines Church (Grade II Listed) and Brocco on the Park (Hotel/restaurant). Hunters Bar roundabout is approximately 230 metres away.

This application seeks permission to demolish/deconstruct the existing building on the site and to erect a new 4 storey building containing 8 flats. One of the storeys is within the roof space, and one is partially subterranean with each of the 4 storeys

having 2 units. The mix of units is 2 x 2 bedrooms and 6 x 3 bedrooms. A basement is proposed with underground garaging to provide 8 large stores and 8 parking spaces underneath the 4 storeys of accommodation. The car parking is accessed from a new vehicular access to be provided from Brocco Bank.

Amended plans have been received following negotiations with the agent.

RELEVANT PLANNING HISTORY

Pre-application advice was sought for alterations and extensions to the existing building on this site to form 8 units, including the creation of a new vehicular access onto Brocco Bank. This concluded that a scheme with good quality materials which would improve the overall aesthetics of the site, and the new vehicular access could be acceptable in principle subject to detailed design.

SUMMARY OF REPRESENTATIONS

29 representations have been received objecting to the proposal. This includes representations from the 'Endcliffe Corner Community Organisation' (ECCO), and Brian Holmshaw who at the time of writing was commenting on behalf of 'Broomhill and Sharrow Vale Green Party'.

Design and Scale:

- Unnecessary demolition of a perfectly good, period property which is more in keeping with the surrounding area and is of considerable local historical interest, being of positive townscape merit.
- The proposed new building is much larger than the existing building being 4 storey (rather than 2 at present with additional space in the cellar and some attic space), has an overall increase in the height of the building and is an overdevelopment of the site.
- The cubic volume of the building will be significantly increased, and footprint increased by 30% (or 100% taking into account the basement/garage space).
- The new building is not in keeping with the general style of the area, altering the historic alignment of buildings along Brocco Bank.
- The proposed bin storage is not sufficient to meet the needs of future residents of the site.
- The increased height and width of the new building will be imposing to the wider neighbourhood, approximately 1.2 – 1.4 metres above the existing ridge height, and 1 metre higher than the existing eaves.
- The elevation to Brocco Bank will be higher than the ridge line of the other buildings.
- The existing graduated handcut local stone walls will be demolished and rebuilt with new machine cut sandstone, with the existing stone on used for retaining garden walls only.
- The building should be retained and turned into new high-quality flats in the same way that Brocco on the Park was carried out at the bottom of Brocco Bank.
- The Brocco Bank façade is over-sized and over-glazed.

- The proposal breaks through an expanse of stone walling, a feature of the townscape in this location which will be an alien feature.
- The site is within an Area of Special Character, and the proposal will have a detrimental impact on its character.
- The site is within the setting of a number of nearby designated heritage assets, having a negative impact.

Highways:

- The car park access creates a new hazard to pedestrians walking up Brocco Bank, especially when cars are exiting onto the highway when it is queueing.
- Cars from the new access could exit and go straight up Endcliffe Rise Road and go straight over Brocco Bank.
- Cars could have to wait to enter if a car is exiting at the same time.
- There will be inadequate car parking provision for 8 units which will attract couples and families who are likely to have more than one car.
- The proposal will create further traffic congestion along Brocco Bank.
- The parking spaces are 2.37 metres x 4.99 metres at best which is very tight for manoeuvring,
- There will be significant impact on Brocco Bank during construction of the proposal.
- There is no visitor or delivery parking, or parking to accommodate emergency or service vehicles.

Amenity:

- The scale of the proposal encroaches onto neighbouring properties taking sunlight (especially in the winter) and reducing the outlook and being overbearing, impact on neighbour's wellbeing and mental health.
- The prominence of the rear elevation of the building with its increased height and projection will impose on neighbouring properties and their gardens to the rear.
- The building is 4 metres closer to those at the rear with the distance of the windows to the bay window in No. 35 Botanical Gardens only 7 metres away. The splayed windows will not work in reality.
- The development will impinge on privacy from the number of proposed new windows and the raised balcony, which will overlook the properties at the rear and to the sides from habitable windows (bedrooms and living spaces).
- The sunlight analysis does not include winter sun.
- There is very little amenity space in the new proposal and what is proposed is substandard at best.
- The basement flats are overlooked and have no aspect looking towards a retaining wall.
- The number of units are decreasing but the number of people capable of residing will increase.

Sustainability:

- Sheffield City Council has declared a climate emergency. There will be a significant carbon impact from the destruction and reconstruction of the buildings, which stands in opposition to the Council's zero carbon policy.
- "The greenest building is the one that already exists" Carl Elefante. A recent study for Historic England found that new build construction emitted 13 times more embodied carbon than refurbishment of pre-1919 properties.

Other:

- The car park will create noise and pollution in an already busy area.
- The motivation for this application appears to be the rate of VAT for refurbishing a property versus a new-build which should not be a planning consideration.
- The net effect will decrease the amount of accommodation locally
- There will be unnecessary carbon emissions with the demolition of the existing building and the construction of a new one.
- This is a high-density development in an area where the school is already oversubscribed.
- This proposed development could set a precedent for future similar applications.
- The building works will cause noise and disturbance to neighbouring residents, many of whom work from home.
- There is a need for more homes in Sheffield, but these should be affordable or social housing.
- The plans are deceptive and do not present a clear image of the scale of the proposal.
- The construction of the proposal could impact on the structural integrity of neighbouring properties.
- Access for the fire brigade services does not appear adequate.
- Cutting down 5 mature trees before applying for planning permission nicely sets out the eco credentials of the proposal.
- There is a shortage of lower bracket accommodation around Hunters Bar, and this proposal is for luxury flats.

Brian Holmshaw on behalf of the Broomhill and Sharrow Vale Green Party

- This is unnecessary demolition of a good building, with rebuilding requiring massive amount of embodied carbon.
- A smaller scale, more environmentally sustainable restoration has not been considered.
- The fact that there is no VAT on a new build should not be argument to allow demolition of the building.
- The building line to the rear leaves inadequate space at the back.
- The underground car park to Brocco Bank seems vastly expensive and unnecessary to the parking issue, when the existing situation accessed from the rear works.
- Construction noise and dust levels would be damaging to neighbours, and conditions for acoustic barriers and dust mitigation will be needed.

Endcliffe Corner Community Organisation

- Object to an old stone building being demolished with no valid reason, with the surrounding area characterised by such buildings.
- The new building is out of character with the area and the nearby Botanical Gardens.
- The new building may accommodate a great number of residents. (38 bed spaces proposed compared to the existing 16).
- There will be further traffic problems created by the proposal on Brocco Bank.

The applicant's agent has made two representations which responds to questions and statements made by the objectors. These have not been summarised individually in this section but have been taken into considered during the assessment section of the report below.

PLANNING ASSESSMENT

National Planning Policy Framework

The National Planning Policy Framework (NPPF) set's out the Government's planning priorities for England and how these are expected to be applied. The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in 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.

Policy Context

The Council's development plan comprises the Core Strategy (CS) which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework revised in February 2019 (NPPF) is a material consideration.

The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

Paragraph 12 of the NPPF makes 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. Paragraph 12 continues that where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

Paragraph 213 of the NPPF confirms that policies should not be considered as out-of-date simply 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. Therefore, the closer a policy in the development plan is to the policies in the Framework, the greater the weight that may be given.

The relevant policies of the statutory Development Plan are set out below under each sub-heading, along with an assessment of their degree of consistency with the policies in the NPPF. Conclusions are then drawn as to how much weight can be given to each policy in the decision making process in line with the requirements of NPPF paragraph 213.

The assessment of this development proposal also needs to be considered in light of paragraph 11 of the NPPF, 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:

- (i) The application of policies in the NPPF which relate to protection of certain areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- (ii) 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.

The 'certain areas or assets' referred to in (i) includes Conservation Areas but does not include Areas of Special Character.

Key Issues

The main issues to be considered in this application are:

- The acceptability of the development in land use policy terms,
- The design of the proposal and its impact on the street scene and surrounding area,
- The effect on future and existing occupiers living conditions,
- Whether suitable highways access and off-street parking is provided,
- The impact of the proposal upon the existing landscaping of the site/and adjacent sites.

Land Use Principle

The application site falls within a Housing Area as identified in the Unitary Development Plan(UDP) for Sheffield. Redeveloping the site for housing (Use Class C3) is in line with the preferred use identified within UDP policy H10 'Development in Housing Areas'. It is therefore acceptable in principle.

However, it should be noted that whilst the principle is acceptable in terms of policy H10, the policy also states that any proposal would also be subject to the provisions of Policy H14 'Conditions on Development in Housing Areas' and BE5 'Building Design and Siting' being met. Furthermore, the principle of housing on this parcel of land is also subject to the more recent Core Strategy policy CS74.

Policy CS23 of the Core Strategy 'Locations for New Housing' states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. Policy CS24

'Maximising the Use of Previously Developed Land for New Housing' prioritises the development of previously developed (brownfield) sites. Housing on greenfield sites should not exceed more than 12% completions, and (part (b)) be on small sites within the existing urban areas, where it can be justified on sustainability grounds.

Policy CS23 and CS24 are restrictive policies, however the broad principle is reflected in paragraph 117 of the NPPF, which promotes the effective use of land and the need to make use of previously-developed or 'brownfield land'.

In this instance, in accordance with the NPPF definition, the area of existing built form on the site constitutes brownfield land, with the residential garden in this built-up areas being greenfield land. Therefore, the majority of the proposal is on brownfield land, with the basement garaging being within a greenfield location (albeit a garden will be reinstated above it). In any case, the completions on greenfield sites are well below the 12% figure set out in policy CS24, and the NPPF does not require a brownfield first basis.

Therefore, given the presumption in favour of sustainable development, it is considered that the proposal is consistent with the aims of policies H10, CS23 and CS24.

Housing Land Supply

Paragraph 73 of the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their housing requirements.

Policy CS22 'Scale of the Requirement for New Housing' of the Core Strategy is the most up to date development plan policy in relation to delivering a sufficient supply of housing for Sheffield, stating that a 5 year supply of deliverable sites will be maintained at all times.

This policy is only partly in conformity with the NPPF, as the Core Strategy is now more than 5 years old, and the NPPF states that the housing requirement must be based on the local housing need figures using the Government's standard methodology.

On 16th December 2020 the Government published an update to planning practice guidance 'Housing and economic needs assessment'. The update introduces a change to the standard method for calculating the local housing need figure.

Paragraph 004 provides the steps used to calculate the local housing need figure as well as the specific data inputs to be used in terms of demographic baseline and adjustment for affordability. The most recent publication now includes an additional step 4 – the 'cities and urban centres uplift'. This requires a 35% uplift to be applied to the local housing need figure for the 20 largest cities and urban centres, including Sheffield.

The effect of the urban centres uplift is to increase Sheffield's local housing need figure for 2021 to 2,923 new homes per annum.

The Council's most recently published position in relation to the deliverable 5 year housing land supply situation is set out in the '5 Year Housing Land Supply Monitoring Report', December 2020. The monitoring report sets out the position as at 1st April 2020, with respect to the period 2020/21 to 2024/25. The monitoring report provides evidence of a 5.4 year deliverable supply of housing land.

Until an update is produced with a base date of 1st April 2021, the monitoring report remains the Council's stated position.

Therefore, when considering housing land supply, the presumption in favour of sustainable development as set out in paragraph 11 is not applied to the tilted balance in this case, as Sheffield demonstrates a deliverable 5+ year land supply at this time.

Efficient Use of Land

Policy CS26 'Efficient Use of Housing Land and Accessibility' of the Core Strategy encourages making efficient use of land to deliver new homes at a density appropriate to location depending on relative accessibility. The density requirements are a gradation flowing from highest density in the most accessible locations down to lower densities in suburban locations with less accessibility. This is reflected in paragraph 123 of the NPPF and therefore Policy CS26 is considered to carry substantial weight in determination of this application.

Paragraph 122 of the NPPF promotes making efficient use of land taking account of a number of factors including identified housing needs; market conditions and viability; the availability of infrastructure; the desirability of maintaining the prevailing character of the area, or of promoting regeneration; and the importance of securing well designed places.

Policy CS31 'Housing in the South West Area' of the Core Strategy limits housing development at appropriate densities to infill and windfall sites in the urban area and developments in highly accessible locations. This reflects the approach of the NPPF whereby substantial weight to the value of using suitable brownfield land within settlements for homes is applied, however, additional land may be needed to meet future housing needs, and therefore moderate weight should be applied in determination of the application.

For a site such as this, CS26 part (b) is relevant and states that a range of 50-80 dwellings per hectares is appropriate where a development is within or near to a District Centre.

The application site is approximately 0.11 hectares, and the 8 proposed units would give a density of approximately 72 dwellings per hectare. This figure sits within the suggested density range. Furthermore, at present the property is split into 12 flats/studios which would give a density of approximately 110 dwellings per hectare, making this proposal have a lower density.

In this instance, the prevailing character of the immediate area is large buildings set

within reasonably large gardens, especially fronting Brocco Bank. Whilst the proposal has a larger footprint than the existing building on the site, this is not far removed from the street pattern in the area, containing large villas.

As such the proposal complies Policies CS26 and CS31 of the Core Strategy and paragraph 122 of the NPPF in relation to densities and efficient use of land.

Design

The Core Strategy policy CS74 'Design Principles' requires development to enhance distinctive features of the area, which is backed up through UDP policies H14 'Conditions on Development in Housing Areas' and BE5 'Building and Design Siting' which expect good quality design in keeping with the scale and character of the surrounding area.

Chapter 12 of the NPPF requires good design, whereby paragraph 124 states that good design is a key aspect of sustainable development and should contribute positively towards making places better for people. Paragraph 130 requires that planning permission should not be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Paragraph 131 goes on to say that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally, so long as they fit in with the overall form and layout of their surroundings.

The site falls within an Area of Special Character as defined in the UDP. Policy BE18 of the UDP 'Development in Areas of Special Character' expects the retention of buildings, walls, trees and other contributing factors to the character of the area, and also expects new development to respect the appearance and character of the area. The reason for this policy set out in the supporting text was to safeguard those Areas of Special Character until their declaration as a Conservation Area can be considered.

The NPPF does not define Areas of Special Character, and therefore this policy has little weight. Paragraph 197 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'

The UDP dates back to 1998 which is now 23 years ago, and in this time the area has not become a Conservation Area, unlike other areas such as Nether Edge, Moor Oakes Road (added to Broomhill), John Street and Birkendale. The original building is quite typical of the character of the Area of Special Character, but it is not of exceptional quality, and the replacement building respects the character and form of the Area.

The closest designated heritage assets are the Broomhill Conservation Area at the top of Brocco Bank, which is 220 metres away and not seen in the same context. The Botanical Gardens which is an Historic Park and Garden is to the north of the

site, but again is not seen in the same context.

The Church and Alms Houses lower down Brocco Bank are Listed Buildings, with the Church approximately 75 metres away, and the Alms Houses further away. These two sites are partially screened from one another by tree cover and are separated by the 1960's flats.

Therefore it is not considered that the proposal impacts on the significance through the setting of any Listed Building or Conservation Area within the wider area, and no assessment is required to be made against these designated heritage assets.

The neighbouring properties are the building to the north containing the 5 units including 13 Brocco Bank, which is to the left (when looking from Brocco Bank), and No. 19 Brocco Bank to the right. The massing of No. 13 is three storeys above ground level, with a partially exposed basement area. No. 19 has a full 4 storeys above ground level with garaging and three levels of accommodation above. The overall height of these properties follows the natural topography of the area, rising as you go up Brocco Bank away from Hunters Bar.

Following negotiations with the agent, amended plans have been submitted. These show a reduction in the internal heights of the 1st and 2nd floors from 2.7 metres to 2.4 metres to allow for a better hierarchy of floor levels. The large central gable has been removed along with the asymmetry in the gables on either side. The front metal clad bays are now centralised stone bays which are successfully grounded.

The fenestration proportions and design now takes a more traditional approach, within a building which has a ridge height mirroring that of the existing building, and eaves that are the same at the rear, and slightly higher at the front (approximately 0.3 metres higher). The side elevations towards the rear half of the building have been pulled in slightly to help it appear more subservient to the front section, and the ridge and eaves are dropped.

To the rear the eaves and ridge heights have been reduced, and the balcony to the second floor with timber screens removed. The timber cladding has been removed and replaced with coursed stone.

The proposal's front and side elevations sit on a similar position to the existing building. There is a projection to the rear which is between 2.35m and 3.15m beyond the existing stepped rear elevation at present. This is not readily visible in the street scene and will not be prominent from the highway. Furthermore, by replacing the building with new, the existing mismatch of previous extensions including dormers and external metal staircases has been removed which is viewed favourably.

There remains a flat roof in the centre to allow for Solar PV, and owing to the pitch of the roof at the front and rear this area will not be visible from the street.

The applicant's agent has had a stonemason look at the existing masonry on site, and is now confident that the stone on the existing building will be able to be deconstructed, stockpiled, sorted and re-used for the stone for the main building for the front elevation, the side gables up to the recess and for the Brocco Bank retaining wall. Where the stonework is eroded it will be reused for landscaping

features. A condition can ensure that this approach is undertaken, and should there be a legitimate reason for bringing in new stone, samples can be controlled through relevant conditions to ensure it is a local sandstone of high quality to complement the existing stonework in the area.

The stone boundary wall is a strong feature running along Brocco Bank. It is proposed to remove a section to allow for vehicular access, with the stone wall returning into the site and around the garage opening. There are a number of vehicular openings within the wall as you travel along Brocco Bank, most notably adjacent at No. 19, then at No. 23 and No. 25. The removal of a section of wall to allow for access is not considered to significantly impact on the character of the wall.

Overall, it is acknowledged that the building dates back to the 1890's and is representative of the local character. However, it does not have the protection of being a designated heritage asset. It is not a listed building and is not within a conservation area. The replacement building is of a similar scale and form, albeit with more contemporary detailing, and will complement the overall character of the surrounding area. In addition, the proposed replacement building is not considered to affect the setting or impact on the significant on any conservation or listed building in the wider area.

To conclude, the application being assessed in this instance is for the demolition/deconstruction of the existing building on the site, and replacement with new. Through amended plans, the new building is now considered to respect and complement the immediate and wider street scene, featuring high quality materials, within a well-designed building. The proposal therefore complies with H14, BE5, CS74 and paragraphs 124 and 131 of the NPPF.

Sustainability

Policy CS63 'Responses to Climate Change' of the Core Strategy sets out the overarching approach to reducing the city's impact on climate change. These actions include:

- Giving priority to development in the city centre and other areas that are well served by sustainable forms of transport.
- Giving preference to development on previously developed land where this is sustainably located.
- Adopting sustainable drainage systems.

These aims align with those of paragraphs 148, 150 and 153 b) of the NPPF and this policy can therefore be given substantial weight.

The site is in a sustainable location in respect of access to local amenities and public transport. It is within a easy walking distance (approx 230 metres walking along Brocco Bank) of the amenities available within Ecclesall Road District Shopping Centre.

In addition, the scheme will incorporate sustainable drainage systems, including a greenroof above the basement garage, which will result in a reduced surface water

run-off rate from the site (see Drainage Section below) thereby assisting with reducing flood risk.

Policy CS64 'Climate Change, Resources and Sustainable Design of Development' sets out a suite of requirements in order for all new development to be designed to reduce emissions. In the past residential developments had to achieve Code for Sustainable Homes Level Three to comply with Policy CS64. This has however been superseded by the introduction of the Technical Housing Standards (2015), which effectively removes the requirement to achieve this standard for new housing developments.

Policy CS65 'Renewable Energy and Carbon Reduction' of the Core Strategy sets out objectives to support renewable and low carbon energy generation and further reduce carbon emissions.

New developments are expected to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable, low carbon energy, or a 'fabric first' approach where this is deemed to be feasible and viable.

This policy is compliant with the aims of paragraphs 148, 150 and 153 of the NPPF and can therefore be given substantial weight.

The scheme being assessed in this application is for the demolition of the existing building and replacement with a new building. There is no local policy which requires the re-use of a building on sustainability grounds over the erection of a new building, just that any new-build or conversion containing 5 or more units should meet the 10% requirement or a fabric first approach. However, the applicant's agent has advised that in this case renovating the existing building so that it has high levels of energy efficiency will likely result in the removal of the roof structure, dormers, windows, plaster, floor joints where rotten, internal subdivisions, mismatched joinery, 12 sets of kitchens, bathrooms etc which all have embodied carbon. This would likely leave the stone walls, the basement structure and some timber joists.

The agent has put forward a number of key sustainability factors.

- All of the external stone on the existing building is to be re-used. A stone mason has confirmed that there is enough stone for the front elevation, and the two side elevations up to the set back. Any substandard stone is to be used for landscaping works.
- Triple glazing, heat recovery and high airtightness
- Solar PV's are to be incorporated on the roof space, which will provide for heating and electric charging points and communal space.
- Air source heat pump for hot water.
- SUDS and green roof over garaging
- Rainwater harvesting 2000 litre tank
- SUDS, holding crates which lead to an outfall to the storm chamber which is likely to be adjacent to the car park. Full specification can be controlled by a relevant condition on any approval.
- Electric charging points for all cars

The agent has submitted a significant amount of information based on the

development being a net-zero carbon residential development which is welcomed, however it should be noted that the policy requirement is for just for a minimum of 10% of their predicted energy needs from decentralised and renewable, low carbon energy, or a 'fabric first' approach, which it appears is more than achievable in this instance.

Therefore, it is considered that the proposal meets the local sustainability policy requirements, CS63, CS64 and CS65.

Highways

Policy CS51 'Transport Priorities' identifies strategic transport priorities for the city, which include containing congestion levels and improving air quality.

UDP Policy H14 'Conditions on Developments in Housing Areas' part (d) requires that permission will be granted where there would be appropriate off-street car parking for the needs of the people living there.

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. Paragraph 109 of the NPPF 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.'

Those local policies broadly align with the aims of Chapter 9 of the NPPF (Promoting Sustainable Transport) although it should be noted that in respect of parking provision, the NPPF at paragraphs 105 and 106 requires consideration to be given to accessibility of the development, the development type, availability of public transport, local car ownership levels and states that maximum standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or optimising density in locations well served by public transport.

The site at present has a vehicular access to the rear from Botanical Road, with two pedestrian access points from Brocco Bank. This application proposes to create a new vehicular access from Brocco Bank into an underground garage. The existing stone wall is to be removed in part with the rest being retained /rebuilt. The access itself will be 5.18 metres wide in front of the garage doors which splays out towards the back edge of the footpath.

As regards to the safety of the new proposed access, it is acknowledged that Brocco Bank is a busy road which experiences queuing traffic at peak times. The scheme has been designed so that the cars are able to pull off the vehicular highway in front of the garage doors, but within the footpath with sufficient width for a car to be waiting to enter and one to exit.

It is envisaged that the garage door will be electric, operated by quick responsive key fobs to reduce any waiting time in front of the doors. This will minimise any impact on pedestrians walking along the footpath in front of the development. There is a similar scenario at No. 23 Brocco Bank whereby there will be a short waiting time to allow

access through the gates, or in this case through the garage door. The visibility when exiting the garage is good, cars may have to wait for a gap in the traffic when exiting the site, but drivers will be able to see pedestrians and allow space for them to pass along the pavement.

Sight lines can be provided in the highway (footpath) to serve the new access. There is a similar access immediately adjacent serving the flats within No. 19 Brocco Bank.

There will be no significant increase in traffic along Brocco Bank generated from the proposal for 8 units compared to the existing traffic flows, and this would not materially impact on the operation of the surrounding streets. Whilst it is appreciated that cars will have to enter and exit the site and wait in traffic at peak times, it is not considered to be a significant or severe highway safety concern, and not dissimilar to that at the adjacent site.

Pedestrian access remains at the rear of the property from Botanical Road and a separate pedestrian entrance from Brocco Bank.

With regard to parking spaces, the Council's revised parking guidelines set out maximum standards in accordance with Core Strategy Policy CS53. Outside of the city centre, a 2-3 bedroom house would have a maximum of 2 spaces, in addition 1 visitor space per 4 houses should be provided. The maximum for the scheme would therefore be 18 spaces based on 2 spaces per unit and 2 visitor spaces.

This application proposes 8 parking spaces, which provides 1 space per unit (at present there is 1 space per 3 units) The site is in a very sustainable location, with access to good transport links, and within easy walking distance of Ecclesall Road District Shopping Centre which offers a wide range of facilities and services. Therefore 1 space per unit is considered appropriate in this instance, and a condition can be added to any approval to restrict any resident's car parking passes.

Tracking/swept path analysis has been provided showing a larger 4 x 4 vehicle which is 5 metres long entering and exiting the spaces/site, with each parking space approximately 5 metres long x 2.7 metres wide (2.4 at a pinch point for the single column between each space). There is approximately 9.3 metres between the two rows of parking spaces providing ample manoeuvring (6 metres is the standard length), and a mechanical turntable is also provided. This is just to help/assist with manoeuvring and is not essential as demonstrated.

Electric charging facilities for each parking space are proposed to be installed.

Each of the 8 units have a large secure store (approximately 6.5 metres long x 2.0-2.5 metres wide) which is accessed from the garage which could accommodate a number of bikes each. In addition, an external bike rack is proposed to the rear which is likely to serve visitors to the site.

On this basis, the proposal is considered to complying with UDP, Core Strategy and NPPF policies as listed above, and would not have the level of impact that would justify refusal of permission on highway safety grounds as required by the NPPF.

Living Conditions

Policy H14 'Conditions on Development in Housing Areas' part (c) requires that new development in housing areas should not cause harm to the amenities of existing residents. This is further supported by Supplementary Planning Guidance 'Designing House Extensions' (SPG) which whilst strictly relevant to house extensions, does lay out good practice guidelines and principles for new build structures and their relationship to existing houses.

The NPPF at paragraph 127 Part (f) requires a high standard of amenity for existing and future users.

The UDP policy is therefore considered to align with the requirement of paragraph 127 so should be given significant weight.

Impact on Neighbouring Occupiers

The closest neighbouring properties are the 6 flats within No. 19 Brocco Bank to the south. The site to the north contains a building which is subdivided into 5 units:- No. 13 Brocco Bank, Flats 1 and 2 Cedar Mansions, and No's 39 and 41 Botanical Road. For ease of reference, this building and its garden is referred to as 'the building to the north'. To the east (rear) is No. 35 Botanical Road, with No. 37 Botanical Road beyond. On the opposite side of Brocco Bank is No. 43 Endcliffe Rise Road and the road junction of Brocco Bank and Endcliffe Rise Road.

The guidelines found in the adopted Supplementary Planning Guidance on Designing House Extensions are not strictly applicable in this instance owing to them relating to house extensions. However, they do suggest a number of detailed guidelines relating to overbearing and overshadowing, privacy and overlooking, and appropriate garden sizes.

Overbearing/Overshadowing

Amended plans have been received which show the overall height of the building reduced so that the main ridge now sits at the same height as the existing buildings ridge. There are two gables along each side which are slightly higher, with the eaves to the rear section mirroring that of the original building, and the eaves to the front section slightly higher (approximately 0.3 metres). There are several windows in the side elevations of the flats within No 19 Brocco Bank which appear to be secondary windows, and are positioned close to the boundary with the site. The proposed new building is no closer to the flats within No. 19 than the existing situation, and the slight increase in height of the eaves to the front section, and the increase in depth of the building to the rear is not considered to cause any significant overbearing or overshadowing.

The building to the north is positioned further back into the site towards Botanical Road and does not sit adjacent to this application building. Towards the rear of the proposed building, the eaves mirror that of the original building which included gables above. Whilst there will be some loss of light owing to the orientation of the buildings, this is not to an unacceptable level, with the windows in the south of this

existing neighbour looking through the gap between the new building and No. 35 Botanical Road over the existing access.

The building at present, the building has a number of alterations and extensions on the rear. This new application seeks to extend the footprint of the building to bring it closer to No. 35 Botanical Road, with an area of communal space remaining between the rear of the proposed new building and the side boundary wall of No. 35. There will be some loss of direct sunlight to occupiers of No. 35 in the afternoon/evening through the additional footprint proposed and its orientation to the west, but this is not to a significant level over and above the existing situation that would warrant refusal on overshadowing grounds.

Overlooking

A number of narrow windows are proposed in both of the side elevations facing towards the flats within No. 19 and towards 'the building to the north' and its gardens. These serve bathrooms/en-suites, or are secondary windows to the main bedrooms and living space to the upper floor levels. All of these windows to the upper floors can be conditioned to be obscure glazing to prevent any adverse overlooking to the sites either side.

On the rear elevation, the external terrace has been removed from the second floor, and this area is now incorporated within the bedrooms which are served by high level roof lights.

The proposed ground floor windows in the rear will be screened by the boundary treatment running along the side of No. 35 Botanical Road.

At present there are 6 windows in the original building which appear to serve habitable rooms within the existing first and second floor accommodation. These all have an open aspect over the rear garden of No. 35 Botanical Road and beyond.

This application seeks 6 windows to the first floor and 4 windows to the second floor which serve bedrooms. Two bedrooms to the second floor have high level roof lights.

8 of the bedrooms are served by splayed windows to allow for an aspect over the communal area to the rear and away from the windows in the back of No's 35 Botanical Road. One window on each of the first and second floor serving the smaller of the bedrooms will present some overlooking to No. 35 Botanical Road with no splays. However, on balance this level of overlooking is considered to be neutral when compared to the existing scenario.

Amenity for Future Occupiers

The proposed dwellings are considered to provide a good outlook from main habitable rooms, providing a quality living accommodation for future occupants with more than sufficient shared amenity space within the grounds of the building.

The two ground floor units are 2 bed roomed and in excess of 75 square metres in area, which provides a good-sized level of internal accommodation for a 2-bedroom

apartment. The South Yorkshire Residential Design Guidance suggests 66 square metres as a minimum for a 2 bed unit. Both of these units have smaller second bedrooms, which have a restrictive view through full height windows towards the retaining wall at the side. At approximately 0.8m this is not dissimilar to the outlook from a lightwell. The main bedrooms and living spaces open up to an external terrace. This does face onto a retaining wall which is approximately 1.5-1.8 metres high, but through full height windows there is an outlook up and over the communal space. Therefore it is considered that sufficient light and outlook will be provided to occupiers of these two apartments with a private terrace to the front.

The units within the ground, first and second floors are all three bedrooms and approximately 115 square metres each. The South Yorkshire Residential Design Guidance suggests 77 square metres as a minimum for a 3 bedroom unit. The main living areas take their aspect over the front garden. All of the bedrooms to these units are positioned in the rear. The majority have splayed windows to prevent direct overlooking to No. 35 immediately to the rear, however they do allow sufficient light and aspect into the rooms they serve. In addition, the two ground floor units have terraces to the rear, and the second floor units have small balconies to the front.

Shared amenity space is to be provided to the green area/lawn at the front of the building above the garage and to the rear of the building including a terrace/ pergola area.

It is considered that the proposed development would not adversely impact on the amenities of existing occupiers to an unacceptable level, or on occupiers of the proposed new dwellings. Accordingly, the proposal complies with UDP policy H14 and paragraph 127 of the NPPF.

Trees/Landscaping

UDP Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected. Policy BE6 (Landscape Design) expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation.

CS74 'Design Principles' part (a). requires high-quality development that will respect, take advantage of and enhance natural features of the City's neighbourhoods.

These policies are considered to align with the NPPF and therefore be relevant to this assessment – on the basis that paragraph 127 c) expects new development to be sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

A number of trees have recently been removed from the site. These include a large oak tree which was very close to the existing building and leaning into it, 3 self-set sycamores which were grouped together and again close to the existing building, and an ash tree that was suffering from ash dieback.

It is intended to retain and transplant a mature holly tree which is at the front of the building, retain a sycamore located to the rear. New cockspur thorn and magnolia trees are to be proposed to the front of the site, with beech hedging and a new box hedge.

The adjacent site to the north at No. 13 Brocco Bank, contains a semi-mature yew tree, and a mature beech tree. A tree survey has been submitted which demonstrates that the canopies of these trees overhang slightly over the application site. Any works to these trees which are outside of the site boundary will be the subject of a separate application.

There is minimal excavation to this corner of the site with protective fencing proposed prior to any site clearance/development commencing. The protective fence line also defines the no-dig area, and any landscaping works to this area shall be done by hand along with any works which are within the root protection areas. Works are proposed to the pedestrian entrance by removing the existing curved steps and ramp, and creating a straight set of steps which are positioned further away from the boundary.

Details of a full landscaping scheme/maintenance programme can be controlled through relevant conditions, to ensure an appropriate replacement scheme is provided, with good quality, extra heavy standard/mature replacements.

Therefore, the proposal is considered to comply with GE15, BE6, CS74 and paragraph 127 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.

GE11 aligns with the NPPF and is therefore relevant to this assessment. To clarify, NPPF paragraph 170 a) and d) identify that planning decisions should contribute to and enhance the natural and local environment, minimise impacts on and provide net gains in biodiversity. Furthermore, paragraph 175 a) identifies that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Part d) of paragraph 175 goes on to state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

An ecology survey accompanied the planning application and concluded that a single common pipistrelle bat emerged from the centre of the building around sunset from its day roost. Overall the level of activity on the site was low, with 1 or 2 pipistrelle bats intermittently foraging on the site. A licence will be required from Natural England to allow for the relocation of the bats. Bat boxes are proposed on

the new building, by way of mitigation.

Other protected species (badgers) were identified commuting through the site, and a condition on any approval can ensure that during construction, these species are protected, for example appropriate fencing and commuter routes being retained.

Therefore, the proposal is considered to comply with GE11, and paragraph 175 of the NPPF.

Flood Risk/Drainage

Policy CS67 'Flood Risk Management' of the Core Strategy states that the extent and impact of flooding should be reduced. It seeks to ensure that more vulnerable uses (including housing) are discouraged from areas with a high probability of flooding. It also 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 where ever possible, within a general theme of guiding development to areas at the lowest risk of flooding.

Policy CS67 is considered to align with Section 14 of the NPPF. For example, paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided and development should be directed away from areas at the highest risk. Paragraph 163 states that when determining applications, LPA's should ensure that flood risk is not increased elsewhere with relevant applications being supported by a Flood Risk Assessment. Paragraph 165 expects major developments to incorporate sustainable drainage systems unless there is clear evidence to demonstrate otherwise.

The site does not fall within a high or medium risk flood zone that would affect the principle of the development, and is not likely to flood.

To mitigate for surface water run-off, it is proposed to have a green roof above part of the underground car parking area and holding crates to stem the flow of water. The outfall will then go to a storm chamber which is likely to be adjacent to the car park, before being released via a restriction valve. In addition, an underground rainwater harvesting tank with a 2000 litre capacity is proposed.

A condition on any approval can ensure the calculations are submitted demonstrating a reduction in surface water run-off and allowing for the 1 in 100-year event plus +30% for climate change.

Therefore the proposal complies with CS67 and paragraph 165 of the NPPF.

Community Infrastructure Levy (CIL)

CIL has now been formally introduced; it applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. 'In this instance the proposal falls within CIL Charging Zone 3. Within this zone there is a CIL charge of

£30 per square metre, 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'.

RESPONSE TO REPRESENTATIONS

Most of the matters raised in the neighbour representations have been addressed in the above assessment. The remaining issues are addressed as follows:

- Noise and disturbance are an unavoidable consequence of development. A directive can be put on any approval to ensure that works are carried out at reasonable times as legislated for by the Environmental Protection Act.
- In relation to construction arrangements, it should be noted that it is not uncommon to develop on a constrained site, close to a busy highway.
- VAT is not a material planning consideration. It has been highlighted in the submission by the agent, to emphasise that renovating the existing building to a high standard would not be a viable option to the applicant, and hence why the application has been submitted for demolition of the building and its replacement.
- Each case is taken on its own merits and this application would not set a precedent for other nearby applications.

SUMMARY AND RECOMMENDATION

The application seeks permission to demolish/deconstruct the existing building on the site, and to erect 8 units within a single building over 4 storeys of accommodation, with additional basement car parking. The pursuit of sustainable development is the overriding aim of national planning policy, and this site is within the main urban area, with the proposal being at an appropriate density. The proposal features a wide range of sustainable features, including green roof, SUD's, Solar PV, air source heat pumps, high levels of thermal insulation to the building, and electric car charging points.

The design of the proposal has been amended to show a building of appropriate scale and massing, featuring high quality materials within a well fenestrated building featuring appropriate hierarchy, traditional bays and finer detailing.

A new vehicular access is proposed to the site from Brocco Bank to an underground car park. Parking ratios are not to maximum levels, but they do propose 1 space per unit which is considered acceptable in this location close to the District Shopping Centre and its wider range of facilities and services. In addition, large stores are proposed for each unit providing ample secure cycle parking.

The proposal will not impact on the amenity and living conditions of existing adjoining in terms of overlooking or overbearing with a good level of amenity afforded to future residents.

It is concluded that the proposals accord with the provisions of the Development

Plan when considered as a whole and that the policies which are most important in the determination of this application are consistent with the aims and objectives of the National Planning Policy Framework.

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