
Case Number	21/01694/FUL (Formerly PP-09721964)
Application Type	Full Planning Application
Proposal	Erection of 13 apartments in a three/four storey block with associated, landscaping, parking and formation of access
Location	Land rear of Dixon Dawson Chartered Architects 6 Moor Oaks Road Sheffield S10 1BX
Date Received	12/04/2021
Team	South
Applicant/Agent	Axis Architecture
Recommendation	Grant Conditionally Subject to Legal Agreement

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:

27057 A(00)01 Site Location Plan
27057 A(03)01 P4 Proposed Site Section

As published by the Local Planning Authority on 13th April 2021

27057 A(01)02 P7 Proposed Site Layout
27057 A(02)01 P6 Proposed Floor Plans
27057 A(04)01 P5 Proposed Elevations
1477-001 Rev C Landscape Masterplan

As published by the Local Planning Authority on 27th January 2023

Reason: In order to define the permission.

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

3. 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.

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

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

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

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

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

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

7. 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.

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.

9. 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.

10. A minimum of 3 months prior to the commencement of development a thorough walkover survey shall be conducted to establish that no protected species are present on the site. Full details of this survey shall be submitted to the Local Planning Authority. The survey report shall include recommendations for actions/mitigation should protected species/habitat be identified and development shall commence until the submitted survey and recommendation have been approved.

Reason: In the interests of ensuring that protected species have not established themselves on the site in the period between the granting of permission and the commencement of development.

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

11. No development shall take place, including any works of demolition or site preparation, until details are submitted for written approval by the Local Planning Authority specifying measures to monitor and control the emission of dust during the development works.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property, it is essential that this condition is complied with before the development is commenced.

12. 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
Eaves
Parapets
Fascia/barge boards
Cycle/Bin storage building

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

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

13. 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.

14. The apartments shall not be used unless the car parking accommodation 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.

15. 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.

16. Before commencement of the development details shall have been submitted to, and approved in writing by, the Local Planning Authority detailing the provision of infrastructure for at least electric vehicle charging points within the site. Such plant shall be operational before first occupation of the apartments.

Reason: In order to ensure that the development makes energy savings in the interests of mitigating the effects of climate change.

17. The apartments shall not be occupied unless the hardstanding areas for vehicles on the site are constructed of permeable/porous materials (including the sub- base). Thereafter the permeable/porous surfacing material shall be retained.

Reason: In order to control surface water run off from the site and mitigate against the risk of flooding.

Other Compliance Conditions

18. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

dealt with.

19. 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 apartments 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.

20. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 3.5 litres per second.

Reason: In order to mitigate against the risk of flooding.

21. Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

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

22. Rooflights shall be conservation style whereby no part of the rooflight shall project above the surface of the roofing slates unless otherwise approved in writing by the Local Planning Authority.

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

23. Before development commences details shall be provided and approved in writing by the Local Planning Authority indicating appropriate provision of:
 - a. Bat and bird boxes within the site
 - b. fence portals to enable foraging fauna to access the site

Such approved details shall then be implemented before the apartments are first occupied and thereafter retained.

Reason: In the interests of biodiversity in the locality

24. All the rainwater gutters, downpipes and external plumbing shall be of cast iron or cast aluminium construction and be painted black.

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

25. The Local Planning Authority shall be notified in writing when the landscape works are completed.

Reason: To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have

commenced.

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

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

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

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

28. Construction of pathways within the root protection areas of all retained trees (calculated as 12 x the stem diameter) shall employ a 'no dig' method.

Reason: In the interests of the longevity of these retained trees.

29. Before the first occupation of the building / extension hereby permitted all windows above ground floor level in the north west and south east elevations (those facing properties on Marlborough Road and Whitham Road respectively) shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason: In the interests of the amenities of occupiers of adjoining property it is essential for these works to have been carried out before the use commences.

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. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
3. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
4. 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.
 - o- 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.

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

website here:

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

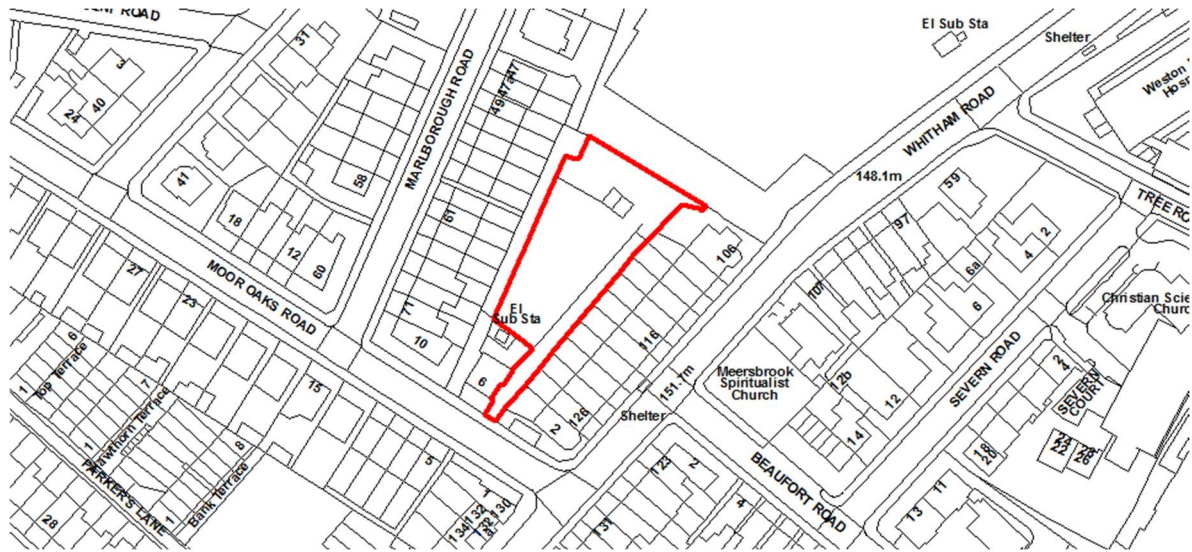
The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk

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

6. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
7. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, 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.
8. 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.

Site Location



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LOCATION AND PROPOSAL

The application relates to a 0.16 hectare plot of land located behind houses fronting Whitham Road, Moor Oaks Road and Marlborough Road and lying to the south west of the University sports pitches of the Goodwin Sports Centre.

The site lies within an allocated Housing Area and within the Broomhill Conservation Area. The site lies close to the Broomhill District Shopping Centre (250 metres), to the University of Sheffield (500 metres) and to the Royal Hallamshire Hospital (250 metres).

Notwithstanding the sporting facilities the area is almost entirely residential in character and whilst somewhat varied in terms of property type, large detached and semi-detached two/three storey stone fronted properties are most prevalent.

With a few exceptions, the dominant land use in the immediate locality is housing. Some of the larger detached houses in the area have been in office use though a trend to return these to residential use has occurred over the last decade.

In terms of topography the site lies in a significant hollow. running approximately south west/north east between flanking higher ground upon which is built the houses of Whitham Road and Marlborough Road.

The natural ground level of the site is therefore approximately 2 metres lower than that to the north west and south east.

The site is covered with a plethora of trees and shrubs many of which are self-set and none of which have been managed in any meaningful way over the previous decades. This results in something a 'wild wood' feel to the site. There was evidence of fly tipping when the Officer site visit was made.

The proposal seeks full planning permission for the erection of a detached building to include thirteen apartments, three at ground floor level, four at first floor level, four at second floor level and a further two located in the roof space.

The apartments would be a mix of eight one bedroom units, three two bedroom units and two three bedroom units

The proposed building would mirror traditional design features with prominent gables and a hipped roof. External materials would be natural stone and natural slate. Window frames are proposed in aluminium with doors in hardwood.

PLANNING HISTORY

An application was withdrawn in 2020 (20/00237/FUL) for the erection of 27no 1-bedroom and studio apartments (Use Class C3) in a single 3/4-storey block with associated car parking and hard and soft landscaping.

An application was withdrawn in 2020 (20/02056/FUL) for the erection of 27no 1-bedroom and studio apartments (Use Class C3) in a single 3/4-storey block with associated car parking and hard and soft landscaping

REPRESENTATIONS

Individual Representations

There have been 34 representations received in response to the Council's notification process. All are objections and two of the objections are from Cllrs. Holmshaw and Argenzio.

Two letters of support have been received.

Cllr Holmshaw

- Increased local traffic density
- Increased conflict with regard to local parking situation
- Out of character student block that is contrary to Conservation Area policies
- Proportions, materials and overall design do not meet the standards required for the Broomhill Conservation Area.
- Does not promote local distinctiveness

Cllr. Argenzio

- No affordable housing
- Out of character with the locality
- Insufficient car parking
- Loss of trees will impact on wildlife in a densely populated area.

Summary of other individual's objections

Design/Environment related

- Design is too modern and against the character of the Conservation Area.
- The building is too tall.
- There are no three bedroom properties in the design contrary to Neighbourhood policy.
- Will denude the ratio of family properties to shared accommodation.
- No effort to replicate features like bargeboards.
- Inadequate bin storage area.
- Windows and doors should be in timber.
- Is an overdevelopment.
- Loss of trees will adversely impact on pollution absorption.
- The scheme has no lift for the disabled.
- Fails to meet policies DDHM1 and SBC2
- Contrary to policy CS41 (the community is already imbalanced with too many HIMO uses).
- No consideration given to sustainability.
- The flats will be clearly visible from Marlborough Road

Highways related

- Insufficient off-street car parking
- Insufficient cycle parking
- Two car parking spaces block an emergency exit
- Access is on a dangerous incline and is hazardous to pedestrians.
- Loss of parking during construction will lead to additional pressure on on-street car parking.
- Only 9 spaces for 27 flats is insufficient off street car parking.

Residential amenity related

- Opening hours of neighbouring business (No. 6 Moor Oaks Road) will adversely impact on amenity of future occupants
- Will overlook neighbouring properties on Marlborough Road
- Will introduce a significant noise source into the locality.
- The loss of trees will remove an acoustic buffer between Marlborough Road properties and Whitham Road.

Landscape/Ecology related

- Will cause habitat damage and loss of a green/wild space.
- Loss of an essential green lung
- Will lead to a loss of natural habitat for birds and insects including protected species.
- Loss of habitat 'stepping stone' for wildlife.
- Loss of biodiversity

General and policy related

- The area is already overdeveloped.
- Loss of an educational area
- Loss of area that contributes to the general wellbeing of the locality
- Loss of area of natural drainage.
- Adverse impact on air quality
- The development is contrary to BBEST policy
- Construction phase will create dust.
- There are no electric vehicle charging points included in the designs.

Matters raised that are not material planning considerations

- There is no demand for apartments of this type.
- Only bought current property as assured no further HIMO's would be allowed in the area.
- The developer should be given £1 million of public money to desist from submitting applications on the site.
- Will introduce construction noise.
- The underground stream will create construction problems as happened at the University Social Sciences building.

Sheffield and Rotherham Wildlife Trust

The SRWT initially objected to the scheme on the basis of a lack of an up-to-date Ecological survey. This has subsequently been provided and the SRWT are now satisfied that no adverse impacts will arise. They do however suggest that portals are created at the base of several boundary treatment panels in order to facilitate species 'highways'. They further support the suggestion of provision of bat boxes and that a sensitive external lighting scheme be employed on site.

Conservation Advisory Group

The Group passed the following comments on the originally submitted scheme. It is not felt that their comments would vary greatly with regard to the amended scheme since this follows the same design ethos.

The Group noted that the current proposal showed improvement over previous schemes for the site. But members consider that the site is unsuitable for the type of building proposed and that housing on the site would create a poor environment for residents. Given the lack of open space in the area, it would be desirable for the site to be retained as open space. Local residents could be encouraged to create a community garden to enhance the conservation area.

PLANNING ASSESSMENT

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 and the BBEST Neighbourhood Plan (adopted in 2021). The National Planning Policy Framework revised in 2021 (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.

The Council has released a 5-Year Housing Land Supply Report (December 2022). This includes the updated Government's standard methodology which includes a 35% uplift to be applied to the 20 largest cities and urban centres, including Sheffield.

The monitoring report sets out the position as of 1st April 2022 – 31st March 2027 and concludes that there is evidence of a 3.63 year supply of deliverable supply of housing land. Therefore, the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites.

Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date according to paragraph 11(d) of the NPPF. The so called 'tilted balance' is triggered, and as such, planning permission should be granted unless the application of policies in

the NPPF provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

However, paragraph 11 d) i) and footnote 7 of the NPPF make clear the presumption in favour would not apply where the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. This would include cases where a development would cause substantial harm to heritage assets (such as listed buildings and conservation areas) and such harm is not significantly outweighed by public benefit.

In this context the following assessment will:

- Assess the proposals compliance against existing local policies as this is the starting point for the decision-making process. For Sheffield this is the UDP and Core Strategy.
- Consider the degree of consistency these policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Consider whether harm accrues and if necessary apply 'the tilted balance' test, including considering if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Key Considerations

The main issues to be considered in this application are:

- The acceptability of the development in land use policy terms,
- The appropriate balance of unit types within the scheme
- Impact on flora and fauna
- The design of the proposals and their impact on the surrounding street scene and the wider Conservation Area.
- The effect on future and existing occupiers living conditions,
- Whether suitable highways access and off-street parking is provided.

Land Use Considerations

The site is in an allocated Housing Area as defined in the adopted UDP. Policy H10 (Conditions on Development in Housing Areas) identifies housing as the preferred use of land in the policy area. As such the principle of the redevelopment of this site for housing purposes is considered to accord with policy H10.

Housing Supply, Density and Location

Policy CS22 - Scale for the Requirement for New Housing of the Sheffield Development Framework Core Strategy (CS), sets out Sheffield's housing targets until 2026. This development will make a positive contribution towards the Council's housing land supply of deliverable sites and this should be afforded appropriate weight as a material consideration.

Paragraph 68 of the revised NPPF sets out that ‘Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes’.

Policy CS23 and CS24 are restrictive policies, but the broad principle is reflected in paragraph 119 of the NPPF, which promotes the effective use of land and the need to make use of previously-developed or ‘brownfield land’.

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.

This development is taking place on previously developed land and therefore is considered acceptable with regard to Policy CS24.

Therefore, it is considered that the proposal is consistent with the aims of policies CS22, CS23 and CS24.

Paragraph 124 of the NPPF states:

Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services—both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

Policy CS26 ‘Efficient Use of Housing Land and Accessibility’ requires housing developments to make efficient use of land, but that it should be in keeping with the character of the area. In this location, policy identifies that a density of 40-60 dwellings per hectare would be appropriate.

The site being approximately 0.16 hectares in area this development would represent a housing density of 81 dwellings per hectare. This falls outside the suggested range and therefore suggests an overdevelopment of the site. However, a high figure is not entirely unexpected for a development of apartments and the

policy allows for greater densities if schemes achieve good design and/or reflect the character of an area.

Nonetheless the scheme would technically fail policy CS26. The implications of this and the relationship with other local policy is discussed further below.

Housing Mix

BBEST (Broomhill, Broomfield, Endcliffe, Summerfield & Tapton) Neighbourhood Plan Policy SBC2 'Housing to Meet Local Needs' states that proposals for new build residential development which meet local housing needs will be supported, and that proposals for ten dwellings or more should comprise a range of housing types, including no less than 50% of dwellings with three bedrooms. The balance of such new development should be skewed in favour of one- and two-bedroom dwellings rather than dwellings with four bedrooms and above.

This is a newly adopted policy carrying the full weight of recent local plan making and this makes it significant.

The scheme has been amended since original submission in an attempt to include units with more than one bedroom (the scheme originally intended for 13 one-bedroom units and one two-bedroom unit.). However, the Applicant has stated that they consider that the introduction of further three-bedroom units beyond those shown in the amended plans will adversely impact on viability.

Some effort has therefore been made to comply with the policy as a whole (i.e the introduction of a greater mix of units). However, the policy requirement for 50% of the units to be 3 bedroom types has not been achieved and this will need to be taken into account in the balance.

Environmental/Conservation Area Considerations

Chapter 12 of the NPPF (2021) requires good design, where paragraph 126 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people.

Paragraph 134 requires that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The NPPF states that development should always seek to secure high quality design, but decision makers should not attempt to impose architectural styles or a particular taste, albeit they should promote and reinforce local distinctiveness.

Policy BE1 (Townscape Design) within the UDP states that a high quality townscape will be promoted with a positive approach to conservation and a high standard of new design.

Policy BE5 (Building Design and Siting) of the UDP states that original architecture will be encouraged, but that new buildings should complement the scale, form and architectural style of surrounding buildings.

Policy BE16 states that in Conservation Areas permission will only be given for proposals which contain sufficient information to enable their impact on the Area to be judged acceptable and which would preserve or enhance the character or appearance of the Conservation Area.

Policy BE17 states that in Conservation Areas and Areas of Special Character, a high standard of design using traditional materials will be expected for alterations and extensions to existing buildings.

Policy H14 (Conditions on Development in Housing Areas) within the UDP states that new buildings should be in scale and character with neighbouring buildings.

Policy CS74 (Design Principles) within the CS states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

The site lies within the BBEST Neighbourhood Plan area designated as the Residential South West Character Area. Within this area the key policies are: DDHM1 'Key Design Principles' This states that proposals will be supported which variously;

- a) conserve historic boundary walls, gate piers and paving, including sett thresholds constructed of local stone, or which seek to reinstate these features appropriate to each character area;
- b) deliver planting to enhance tree coverage with deciduous and evergreen trees, shrubs and boundary hedges;
- c) respect established building lines;
- d) deliver public realm enhancements.

Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:-

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users

Policies BE5, H14, CS74 can be afforded significant weight as they align closely with corresponding paragraphs of the NPPF.

Policies BE16 and BE17 carry more limited weight since they do not accurately reflect the NPPF requirements to balance potential benefits against harm. The NPPF identifies how proposals that lead to less than substantial harm to a designated heritage asset need be considered. In cases where harm to the significance of a designated asset is less than substantial this needs to be weighed against the public benefits of the proposal, including securing the sites optimal viable use.

The Council does however have a statutory duty contained under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving heritage assets and their setting or any features of special architectural or historic interest which they possess.

Design considerations

This proposal has been designed, in the main, with traditional lines and proportions with a slightly offset central entrance flanked by square bays. The massing of the building has been reduced when compared to the 2020 schemes.

Whilst the proposal consists of a building rising to a height of three storeys with accommodation in the roof space is not entirely inconsistent with other properties in the locality. Notably, due to the topography, there are significant numbers of properties on both Marlborough Road and Whitham Road that are configured with lower ground floor/upper ground floor/ first floor and accommodation in the roof space.

The location of the building in this deep gulley means that the ridge height of the scheme would be commensurate with the eaves height of properties on Marlborough Road and exceed the eaves height of properties on Whitham Road by approximately 1 metre. It's ridge height would therefore be 2-3 metres lower than the properties on these flanking roads.

The natural ground level also falls sharply away from Moor Oaks Road itself and as a result the proposals eaves and ridge heights would not exceed properties on that road to the south.

The overall appearance of the proposal, certainly on front and rear elevation is that of a substantial villa. The double height bays at ground/first floor level are something of a departure from the 'traditional' but their design is considered entirely compatible with the overall aesthetic of the building.

The pitched roofs and chimney features also contribute to the traditional appearance of the building and it is not considered that the architectural language used in this design would form an anomalous addition to the built environment in the locality or have a deleterious impact on the visual amenity of the conservation area.

External materials are detailed as:

- natural stone as a main facing material
- natural slate as the primary roofing material (the concealed flat roof would be a liquid applied system)
- timber fascia and barge boards
- timber windows and doors
- aluminium rainwater goods finished in black

All of the above are considered entirely compatible with the existing built environment and complementary to the character of the conservation area.

The overall result is a building which it is acknowledged would have some intermittent presence in the street scene of Moor Oaks Road, but which would comfortably fit between the neighbouring properties and within the context of the existing built environment.

Window frames will be finished in a basalt grey which is considered acceptable in this location.

Details of a secure bike/bin store should be provided but this can be secured through condition. Details of complementary decorative barge/fascia boards can also be sought through condition.

Boundary Treatment

The plans indicate new stretches of palisade fencing and this is not considered acceptable in this Conservation Area context. Those fencing elements already present on the northern boundary can be retained but the fencing adjacent the communal areas to the east of the building should be in timber rather than palisade. Two metre close boarded timber fencing would not normally be acceptable immediately adjacent the highway in a highly visible location within a conservation area but this site is largely hidden from public views off a private road and there is a need for a level of security for the outdoor communal areas.

Residential Amenity

UDP policies H5 and H14 require development to provide a good standard of amenity for existing residents and future occupants.

NPPF paragraphs 130 and 185 sets out similar aims in terms of ensuring decisions take into account the impact of pollution on health and living conditions and secure high standards of amenity. The local and national policies closely align and significant weight can therefore be given to H5 and H14.

Existing residents

In the main the internal layouts of the apartments limit main aspect windows to the front and rear elevations (i.e. north and south elevations). Given that the separation between the rear elevations of houses fronting Marlborough Road and Whitham Road and the respective side elevations of the proposal amount to approximately 17-18 metres this is welcomed.

There are no specific policy guidelines in relation to separation about dwellings for the construction of new dwellings, but separation distances set out in the SPG 'Designing House Extensions' are considered an appropriate mechanism by which to judge new development.

SPG requires that main aspect windows be separated from two storey side elevations by at least 12 metres).

The presence of ancillary kitchen and bathroom windows in the side elevations and these would need to be obscure glazed were permission to be granted.

The west elevation of the proposal would lie approximately 17 metres from the rear elevations of properties on Marlborough Road. Since the proposed side elevation contains no main aspect windows the SPG guideline which is most pertinent is that requiring that 12 metres separate a main aspect window from a two-storey gable end.

Even allowing for the proposal's additional storey (relative to that specified in the guideline) the fall in land level and the separation distance between the proposal and dwellings on Marlborough Road is considered to be more than sufficient to overcome any concerns with regard to overbearing/overshadowing.

This situation is replicated between the east elevation and the rear elevations of dwellings on Whitham Road though with a slightly more generous separation of approximately 18 metres.

The South Yorkshire Design Guide, whilst not adopted by Sheffield City Council) also provides for useful guidelines in terms of separation distances and proximity to existing main aspect windows. This suggests that development should not breach a 25 degree line (to the horizontal) scribed from the centre point of the ground floor window of neighbouring properties. Such a relationship would also need to be considered in relationship to the separation distance. In this case the applicant has demonstrated with cross sections that such a 25 degree line is not breached.

Given the falling ground levels towards the building footprint (from Whitham and Marlborough Roads) and the height of the proposed structure it is not anticipated that any significant overbearing or overshadowing will occur towards neighbouring property.

Noise

The proposal is for apartments for private sale (Use Class C3) rather than for shared accommodation and there is no reason to believe that significant noise will be generated by future occupants.

Representations state that loss of trees will remove an 'acoustic barrier' between houses on Marlborough Road and Whitham Road.

Contrary to popular belief, shrubs, trees and foliage do not effectively block noise unless very densely planted in swathes in excess of 20 metres deep. Acoustic experts have shown that a barrier with a low mass and density does not provide good acoustic performance. An effective noise barrier is typically made of a higher mass/ density material such as wood (fencing with no gaps), masonry, earthwork, steel or concrete.

Trees and shrubs do not provide any significant sound reduction and it is likely a psychological assumption that a 'hidden' or 'out of sight' noise source is reduced by intermittent/sparse woodland.

In this case the more effective noise barrier between dwellings on Marlborough Road and Whitham Road are the Nos. 106-126 Whitham Road themselves which provide a continuous unbroken barrier and these dwellings will of course remain unchanged by the proposal.

Future Occupants

The majority of the units (those at ground, first and second floor) will have main habitable rooms that benefit from good levels of natural lighting and outlook.

At third floor (roof level) both flats have two of three bedrooms that have no quality of outlook though the Master Bedroom would enjoy both reasonable lighting and outlook. The second bedroom and third bedroom/study would however be limited to rooflights.

This is unfortunate however the overall amenity offer for occupants of the third floor flats would be far from unacceptable overall and, as such, it is not considered that this shortfall represents a robust reason for refusal of the whole scheme.

The proposed external amenity space is acceptable in spatial terms though there are marginal concerns that its quality is limited as it will lie to the north of the building itself and be located close to and under large boundary trees on the University site.

However, the level of provision is not considered to differ from other suburban apartment schemes in terms of the scope/quality of external amenity space and these slight concerns are not considered a reason for refusal.

Given all of the above it is considered that the proposal is satisfactory with regards to the requirements of policies H5 and H14 as well as guidelines suggested in both SPG and the South Yorkshire Design guide.

Landscape Considerations

BE6 Landscape Design states that good quality landscape design will be expected in new developments. Applications for planning permission for such schemes should, where appropriate, include a suitable landscape scheme which:

- provides relevant information relating to new planting and/or hard landscaping, and of existing vegetation to be removed or retained; and
- provides an interesting and attractive environment;

The development would not result in the loss of any trees that contribute substantially to a view or vista from the public domain, or of significant public amenity value.

Trees are to be substantially retained in two areas, these being at the western end of the site between the proposal and 6 Moor Oaks Road and the group at the north east corner behind 106 Whitham Road.

In total 20 trees will be lost, these varying greatly in quality and stature. None of the trees are categorised as 'A' or 'B' quality trees within the tree survey provided. 6 are multi-stemmed, 5 show signs of damage to trunk or crown spread, and 2 show signs of Ash dieback. Other specimens are of limited scale or have tall and slender trunks which is likely to limit longevity.

The layout of proposed new buildings has changed from the previous application, but the layout of external works is similar.

Proposed tree removals and management work as detailed in the submitted updated tree report should be acceptable, given the low quality of many existing specimens and reduced visibility (from the public domain) into the central part of the site.

However, the impact of proposed new paths and hard standings on the roots of retained trees means a suitable 'no dig' construction method for paths within the RPA of retained trees will need to be conditioned should approval be granted.

A landscape masterplan has been submitted with the application indicating replacement planting with three new heavy standards on the northern boundary and several smaller specimens within the site boundaries. Of necessity new trees cannot be accommodated within 5 metres of the 375mm sewer running along the east side of the site. The balance of the landscape scheme submitted is considered acceptable.

Ecology Considerations

An updated Preliminary Ecological Appraisal (PEA) has been provided by the Applicant.

The survey findings of the updated PEA show that two mammal burrows were found in a strip of woodland to the north of the site which was inaccessible at the time of the survey, and for which the species could not be confirmed.

The recommendations in the report that both the site and the strip of woodland to the north be subject to a badger walkover survey by a suitably qualified ecologist are considered acceptable. This should determine the presence of any badger setts within 30m of the site, and this should be undertaken no less than three

months prior to the commencement of works on the site, preferably in winter or early spring to aid identification.

Any subsequent discovery or identification of badger activity would then need to be considered by Natural England during the necessary licence application.

Biodiversity Net Gain

Notwithstanding discussions about the quality of individual trees on the site there is little doubt the trees, when considered as a group provide a green 'break' in the built environment. Representations suggest that this grouping also provides a habitat for a variety of urban fauna.

It is considered highly likely that the site is a foraging route for a variety of fauna but it has been confirmed through the PEA that no protected species inhabit the site. Due to the time lapse between submission and any construction it is considered appropriate to require a further walkover survey be conducted before any construction to establish that this remains the case.

The NPPF at paragraph 174 d) expects enhancement of the natural and local environment by minimising impacts on and providing net gains for biodiversity. Legislation now requires significantly greater consideration of biodiversity net gain (2021 Environment Act) and under the act all development proposals will soon be required to demonstrate a measurable increase in the biodiversity fostered on site (a 10% increase). It is likely this requirement will come into force in November 2023. However, given the NPPF expectation and sensitivity of the site in terms of public perception the Applicant was encouraged to submit a full flora/fauna audit of the site.

This has been undertaken by the Applicant and this reveals that the development will result in an overall net loss of biodiversity equating to -0.25 units or -50.49%.

Since the site offers limited scope for mitigation beyond new tree and shrub planting, to achieve a policy compliant development (and bearing in mind that 10% BNG in line with the Environment Act is not yet mandatory), it is considered that the developer will need to provide off-site compensation through a payment to the Local Authority which can be used for habitat works local to the site.

To maintain consistency with other planning applications, a figure of £4,400 has been calculated as the appropriate contribution that should be made to mitigate for the net loss. This should be secured through a Section 106 agreement and colleagues in Ecology have indicated there are potential sites under Council ownership to which funding would be applicable at Lynwood Gardens, Broomhall; Crookes Valley Park; and The Ponderosa, Netherthorpe so officers are satisfied the contribution can be utilised.

Contamination and other Environmental Protection Considerations

There is potential for land contamination at this site. The site has not been developed and it is likely that over time various materials have been dumped here.

The site is also unusual in its different levels which could also indicate made ground. There is an electricity substation just off-site. The site is also in close proximity to a former landfill site called Godfrey Dam on Northumberland Road. Officers in the Environmental Protection Service have therefore required a suite of conditions be added should permission be granted.

Highways Considerations

Section d) of Policy H14 (Conditions on Development in Housing Areas) within the UDP states that new development should provide safe access to the highway network, appropriate off-street parking and not endanger pedestrians.

The NPPF seeks to promote sustainable transport and locations, emphasising pedestrian and cycle movements followed by public transport in Paragraphs 110 and 112. Paragraph 110 states that safe and suitable access to the site should be achieved by all users. Paragraph 111 goes on to detail that new development 'should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

UDP parking guidelines suggest that provision should be 1 space each for the one and two bedroom flats and two spaces for the 3 bedroom units as well as a space for visitors.

The site is located in a highly sustainable location within close proximity to a wide range of amenities, services, jobs, places of employment and excellent public transport links.

It is not anticipated that a small residential development such as this would be expected to be a significant traffic generator given the scale of the development and its location.

The scheme proposes the provision of 11 off-street car parking spaces.

Less than 1 off-street space per flat it not optimal but, as stated, this is a highly sustainable location close to high frequency public transport links as well as the University and Hallamshire Hospital sites.

There are some concerns relating to the likely displacement of existing parking that occurs currently to the rear of the Whitham Road properties. This being said, the red line boundary indicates that the Applicant owns and therefore controls the access road and as such it is not considered that this factor would represent a robust reason to refuse the scheme.

Furthermore the locality is subject to a Residents Parking Scheme which assists in managing any additional on-street parking demand. Any applications for permits will be determined by Parking Services.

The proposed access is currently in use by residents of properties on Whitham Road and serves approximately 20 cars. The access does have a steep gradient

as it joins Moor Oaks Road. However, intervisibility is good due to the width of the access. As the access is currently in frequent use it is not considered that the vehicle movements associated with the proposal will result in a significant worsening of the highway safety situation.

Cycle parking provision is proposed for 11 cycles. Details of the proposed store should be sought by condition.

The plans do not detail provision of charging infrastructure for electric vehicles and this should be secured by condition.

Given the above it is considered that, subject to conditions, the proposal satisfies the requirements of the policy H14 and the relevant paragraphs of the NPPF. Given the highly sustainable location it is not considered that the marginal shortfall in off-street car parking provision (compared to UDP guidelines) represents a robust reason to resist the scheme.

Archaeology

The South Yorkshire Archaeology Service have assessed the application details. It is not considered likely that significant archaeological evidence survives here that will be impacted on by the proposed scheme.

Drainage

Policy CS67 (Flood Risk Management) within the CS states that the extent and impact of flooding should be reduced by incorporating a number of measures in developments. These measures include requiring the new development to limit surface water run-off.

To achieve this on this site permeable paving should be employed for all hard surfaced areas to provide appropriate source control. Appropriate sub-base materials should be employed to decrease flow rates (by holding water in the voids) and these permeable/porous areas should also be used if at all possible to accept roof run-off which would negate/reduce the need for deep surface water pipework around the building.

These features can be secured through condition.

As two public sewers run through the site Yorkshire Water are keen that both are provided with appropriate stand-off distances and that tree/shrub planting is avoided within certain distances. The site layout plans correspond with these requirements.

Air Quality

Pollutants mainly come from human activities such as from industry, road traffic and building heating. Some come from natural sources such as wind blowing dust about and decomposing organic matter.

The pollutants in Sheffield which are of primary concern are Nitrogen Dioxide (NO₂) and fine particulate matter (PM₁₀ and PM_{2.5}). They come from burning diesel and also petrol, gas, wood and coal.

An Air Quality Assessment is required for any development that generates 60+ vehicle movements in any hour within 200m of an area exceeding Air Quality Limitation Values. This is not the case for this application.

In the UK, the law on nitrogen dioxide (NO₂) pollution says annual average concentrations should not exceed 40 µg/m³ (micrograms per cubic metre of air).

A Diffusion tube (tube No. 200) for measuring pollutants is located at the junction of Whitham Road and Moor Oaks Road. The data from this tube shows a general downward trend in NO₂ levels at this location between 2015 and 2021 with concentrations of 34 µg/m³ indicated in 2021.

As such it is not considered that a scheme of this limited scale will result in a breaching of the UK guidelines regarding NO₂ concentrations.

Response to Representations

Matters relating to design and materials, unit types, residential amenity, highways, ecology, drainage, air quality and landscape have been addressed in the main body of this report.

The scheme does not reach the threshold whereby affordable housing contribution is required (15 units).

The scheme is not of sufficient height so as to require provision of a lift.

The adjacent business hours do not conflict with the amenity of existing residents and there is no reason to believe they would be in conflict with amenity of future occupants.

Whilst accepting that the site provides some green relief it is not considered that it can be considered to provide a significant educational function.

The 'stream' mentioned in representations is considered as part of drainage section and construction matters are for Building Regulations

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'.

The Tilted Balance

The Council is currently unable to demonstrate a 5-year supply of deliverable housing sites with the latest 5-Year Housing Land Supply Report (December 2022) concluding that there is evidence of only a 3.63 year supply of deliverable supply of housing land.

Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date according to Paragraph 11(d) of the NPPF.

The so called 'tilted balance' is therefore triggered, and as such, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The Gladman decision [Gladman Developments Limited v. The Scottish Ministers 2020] introduced the concept of the "tilted balance", whereby, if a shortfall in the effective five-year housing land supply is identified, these weights the balance in favour of proposals that would help to remedy that shortfall. The "angle" of tilt will be set by the extent of the shortfall.

In this instance, the application site lies within a conservation area and due consideration must be given to any harm that might accrue to that heritage asset in line with footnote 7 of paragraph 11, as referenced earlier in this report.

Paragraph 202 of the NPPF states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

As the design of the proposed building itself (and its curtilage works) are not considered, in themselves, to result in harm to the heritage asset the adverse impacts on the Conservation Area are considered to be limited to the partial loss of the tree group that occupies the site.

Whilst it is accepted that this group of trees provides something of a green 'relief' within this housing area they do not appear significantly in the public domain and neither do specimens carry great individual value in terms of visual amenity. Furthermore, given the findings of the Tree Survey, the longevity of some specimens is likely to be limited, particularly given the absence of any historical or current tree management on the site.

Given these factors it is considered that the proposal would result in, at most, less than substantial harm to the heritage asset.

The harm therefore needs to be weighed against the public benefits of the scheme and these are two-fold.

Firstly, and of less import, would be the provision of employment during the construction of the development.

Secondly, and of considerably greater importance, would be the contribution to the housing supply within the city.

The NPPF places considerable importance on the delivery of housing, and the provision of an additional 13 dwellinghouses will make a small but meaningful contribution to meeting the current shortfall of housing.

Significant weight needs to be given to this aspect, not least because Sheffield shortfall in terms of housing land provision is significant.

Given all of the above it is considered that Paragraph 11 part d(i) is not applicable in this case and that the tilted balance requires that should the adverse impacts of any development not significantly and demonstrably outweigh the public benefits then the presumption in favour of sustainable development stands and permission should be granted.

Conclusion and Recommendation

This is an application for a small block of apartments (Use Class C3) in an allocated Housing Area.

The proposal seeks permission to erect a building containing thirteen apartments within a site in an allocated Housing Area and within Broomhill Conservation Area.

The introduction of the building will not adversely impact on the street scene or the character of the wider locality. It would however result in the loss of trees, though the quality and longevity of these are questionable and their visual amenity value is considered somewhat limited by these factors and their location.

The amenity offer for the future occupants is considered satisfactory with any marginal shortfalls in the provision of private amenity space compensated for by the proximity of high quality public open spaces.

Whilst the provision of off-street car parking within the scheme is slightly marginal this is not considered a robust reason for refusal given the highly sustainable location and the proximity to local services, shops, Universities and the Hallamshire Hospital.

The proposal will make a small but valuable contribution to the city's housing supply and this is a significant consideration when considering the scheme overall.

The net loss of biodiversity on the site is unfortunate and it is accepted that there is insufficient scope within the scheme to mitigate on site. However, it is considered

that an off-site contribution to habitats within the locality represents a reasonable approach that has been employed elsewhere by the Council.

In conclusion it is considered that the limited harm represented by the loss of low quality 'woodland' and the failure to comply absolutely with BBEST Neighbourhood Plan policy with regard to unit type numbers within the scheme does not significantly and demonstrably outweigh the provision of housing represented by the proposal.

Accordingly, it is recommended that the application be granted conditionally subject to the applicant entering into a legal agreement to secure biodiversity enhancements.

Heads of Terms for Legal Agreement

- to secure a financial contribution from the developer of £4,400 toward the enhancement of biodiversity/habitat works in the locality.