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Case Number	18/03937/OUT (Formerly PP-07351243)
Application Type	Outline Planning Application
Proposal	Outline application (landscaping reserved) for demolition of the existing buildings and erection of 2x two-storey buildings to form 4x one-bedroomed flats and 2x studios (Use Class C3 - Dwellinghouses)
Location	Starkholme Buildings 3 Leyburn Road Sheffield S8 0XA
Date Received	22/10/2018
Team	South
Applicant/Agent	DLP Planning Ltd
Recommendation	Refuse

**Refuse for the following reason(s):**

1. The Local Planning Authority consider that the proposed development by reason of its close proximity to neighbouring residential property, nos. 9, 11 and 13 Leyburn Road and the flats at 519 and 521 Abbeydale Road, would have an oppressive and overbearing appearance, to the detriment of the living conditions of occupiers of those properties. As such the development would be contrary to Policies H5 and H14 of the Unitary Development Plan for Sheffield, CS74 of the Sheffield Development Framework Core Strategy and, Paragraph 127 f) of the National Planning Policy Framework.
2. The Local Planning Authority considers that the close proximity of windows in the east elevation of Unit 6 within the northern apartment block to the adjacent public open space would unacceptably prejudice any future development of the adjacent site. The development would not therefore represent a sustainable form of development, contrary to Policy CS74 of the Sheffield Development Framework Core Strategy and paragraph 7 of the National Planning Policy Framework.
3. The Local Planning Authority consider that the proposed development would constitute an overdevelopment of a site of restricted dimensions which would result in overlooking between the two blocks, overbearing and lack of privacy to the detriment of the living conditions of future occupiers of the proposed new residential flats. This proposal would therefore be contrary to Policies BE5, H5, and H14 of the Unitary Development Plan and contrary to Policy

CS74 of the Sheffield Core Strategy and, contrary to Paragraph 127 f) of the National Planning Policy Framework.

4. The Local Planning Authority consider that in the absence of a detailed Flood Risk Assessment and any proposed flood mitigation or resilience measures, the applicant has failed to reasonably demonstrate that the proposed development can be carried out without any adverse risk from flooding and as such, the proposal would be contrary to UDP Policy GE20, Sheffield Development Framework Core Strategy Policy CS67 and, Paragraphs 160, 161 and 163 of the National Planning Policy Framework.
5. The Local Planning Authority consider that the vehicular activity generated by the development would lead to an adverse increase in on-street parking and vehicle manoeuvring on Leyburn Road, an already congested highway, which would have a detrimental impact on highway safety. As such the proposal would be contrary to Policies H5 and H14 of the Unitary Development Plan for Sheffield and Paragraph 109 of the National Planning Policy Framework.

**Attention is Drawn to the Following Directives:**

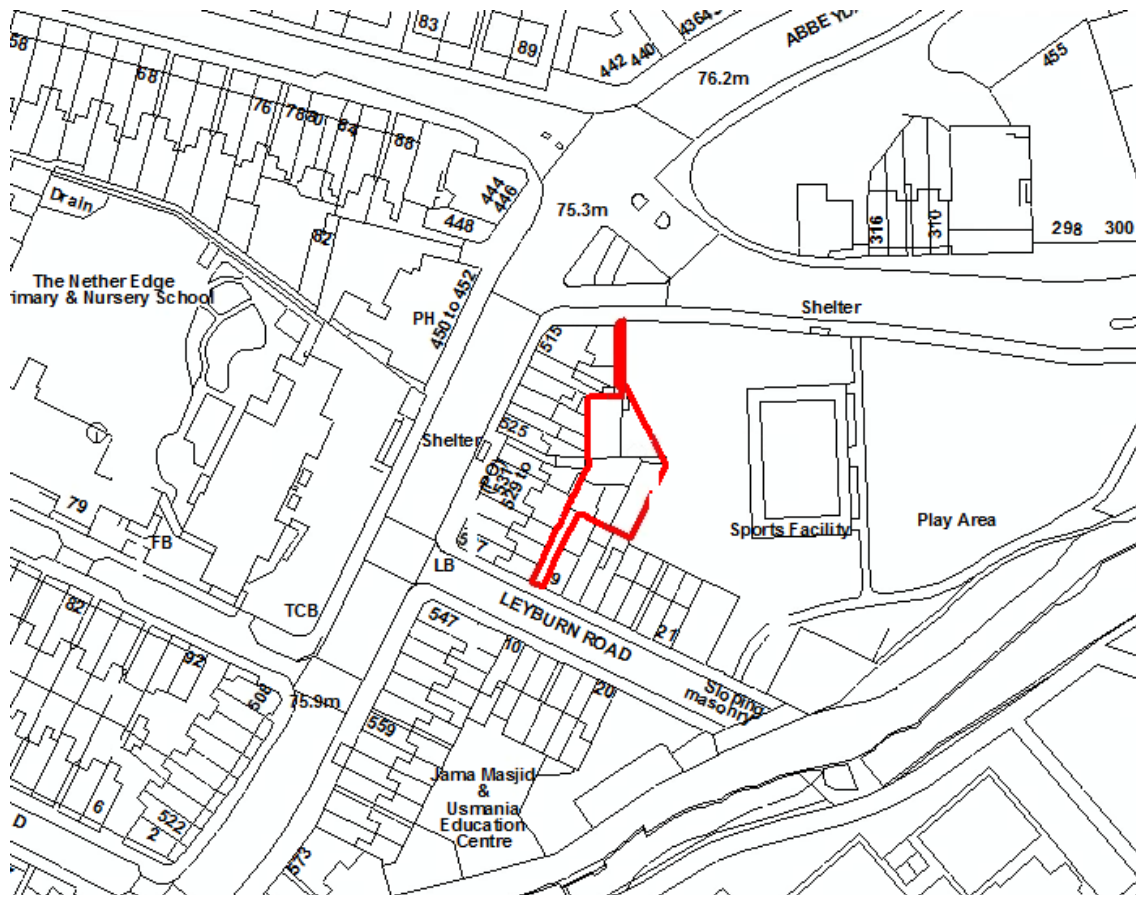
1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, the application is considered contrary to policy requirements, and, there being no perceived amendments that would address these shortcomings without compromising the fundamental intention of the scheme the Local Planning Authority had no alternative but to refuse consent.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Drawing No. 02 Revision E (Proposed Plans & Elevations) as received on the 20th May 2019;

Drawing No.03 Revision C (Proposed Site Layout Plan) as received on the 20th May 2019;

The additional email correspondence from the planning agent received on the 15th October 2019.

# Site Location



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## LOCATION AND PROPOSAL

This is an outline application for demolition of existing brick-built former workshop buildings and then the subsequent redevelopment of the site to form 2 x two-storey buildings to accommodate 4 x one-bedroom flats and 2 x studios (6 residential units in total) with associated amenity space. The matters being considered by this outline application include: - access, appearance, layout and scale. The matters not being considered (landscaping) are being reserved for a subsequent reserved matters application.

The application site falls within a Housing Policy Area and is surrounded by Open Space to the north and east, residential properties (on Leyburn Road) to the south and shops and commercial properties fronting Abbeydale Road to the west. Some of these have separate residential flats above.

Under this proposal the applicant is seeking to clear the site of all of the existing buildings and to then create two blocks of residential accommodation. The larger of the two blocks would have dimensions of approx. 13.4 metres in width by approx. 7.2 metres in depth and approx. 5.8 metres in height. The larger block would have a flat roof. This block would include 3 identical residential units spread over two floors. Each residential unit would incorporate a kitchen, a main lounge/sitting room and w.c. all on the ground floor level with an en-suite bathroom and 1 bedroom at first-floor level. Each of the units would have a small enclosed front forecourt amenity area (approx. 8.5 sq. metres each). All 3 units in this block would be single-aspect with windows and doors all facing north-east beyond the enclosed forecourt area onto a communal amenity space, with the new second smaller residential block beyond.

The smaller of the two residential blocks would have dimensions of approx. 9.1 metres in width by 7.4 metres in depth and 5.8 metres in height. This second/smaller block would also be constructed with a flat roof. The block would incorporate 2 x studio flats at ground floor level with a further 1-bedroom flat at first-floor level. Both ground floor studio apartments would be single aspect with windows and doors facing south towards the proposed new larger residential block. The proposed first-floor flat in the new smaller block would have 2 first-floor oriel windows on the south facing elevation and other windows/Juliette balcony type openings on the east facing elevation (looking towards the Broadfield Park open space area).

Both blocks will be faced in red brick and the flat roof will be in the form of a grey resin bond (or similar). The windows and doors will be framed using a graphite grey aluminium material.

The proposed scheme is being designed with two pedestrian access points, one off Broadfield Road on land that is currently owned by the City Council and the other access being off Leyburn Road via an existing shared access path located at the side of no.9 Leyburn Road. As well as providing access to the development site, the existing shared access path at the side of no.9 Leyburn Road allows pedestrian access to the rear of nos. 9, 11 and 13 Leyburn Road.

The scheme would incorporate a communal courtyard amenity space, cycle parking for 8 bikes, 2 bin storage areas and enclosure walling/fencing. The plans indicatively show some landscaping but the details of landscaping have been reserved as part of this outline application.

No off street parking is proposed and the applicant has stated that this is intended to be a car-free development.

## RELEVANT PLANNING HISTORY

There have been no other formal planning applications for the site. The application site had been used historically as a workshop with ancillary office space above. In more recent years (approx. 2012 to 2016) there is evidence to indicate that the building had unlawfully been used as a fitness gym/community centre building. The building is currently vacant.

## SUMMARY OF REPRESENTATIONS

A total of 23 representations have been received in response to this application (this includes a representation from Councillor Alison Teal). Of the representations received 9 representations are in support of the proposal and 13 representations are opposed to the proposal. One representation has identified as being neutral (neither objecting nor supporting the proposal).

The representations have been assessed and a summary of them is listed below:-

In Support of the Proposal (9 representations):-

- The building has been derelict and as a consequence has attracted anti-social behaviour which has had a negative impact for local businesses.
- The building currently has no use and therefore a new use/development will help to uplift the area.
- The proposal will deliver more modern, contemporary, affordable housing in the area which will be suitable for younger people.
- This type of housing will enhance the area and will be a positive thing for the existing community and those wanting to move into the locality.
- The existing site has been used as a dumping site for waste and the existing buildings have been broken into on many occasions, bringing the site back into use should help prevent these types of anti-social behaviour.
- This area needs more single flats/affordable housing because the S7 postcode has become very expensive.
- The proposal will create good opportunities and support the local economy in the area.
- The development will lead to much needed regeneration in the area.
- The proposal will be good for the local community.

One Neutral Representation:-

- There is an allegation that a false representation (objecting to the proposal) has been submitted. This neutral representation is a counter-representation

confirming that the sender did not actually send the original objecting representation and, that the sender wishes to remain neutral with regard to the application proposal.

Objections to the Proposal (13 representations):-

- Parking is a real issue in the area and particularly on Leyburn Road (a dead-end road that also serves a busy mosque). Parking on Leyburn Road is chaotic and very often leads to arguments and conflict. It's very difficult for existing residents to park on the road, this development will only add to the parking problems and congestion on Leyburn Road.
- The pedestrian access path to the site off Leyburn Road is a shared path with existing neighbours and, under this proposal the path will become cluttered with wheelie bins serving the new residential units (up to 18 new bins). The clutter of bins will prevent easy access for pedestrians and people pushing prams etc. The clutter of bins stored in the walkway/access path would also be visually harmful and lead to unpleasant smells and litter.
- The increased height of the proposed new development will lead to a reduction of natural light entering existing neighbouring properties and gardens.
- There should be no new windows in the rear elevation wall of the development (either now or in the future) because that would lead to loss of privacy issues.
- There's no indication of a timeframe for the development, this is important because big lorries and the construction works will create a lot of noise and disruptions.
- The proposed number of units is clearly an overdevelopment of the site.
- How will the demolition works be carried out without having some detrimental impact on existing residents?
- If the development is allowed, it would mean that occupants of those units would be able to overlook bathrooms, bedrooms and gardens of neighbouring residents. There would also be uninterrupted views onto the park which is constantly used by young children.
- Is the building that is earmarked for demolition not suitable for Listed Building status?
- The new development will result in overshadowing of the neighbouring rear garden/yard areas.
- Those businesses that are in support of the proposal face out towards Abbeydale Road and are only open during normal business hours, so they won't be affected in the same way that residents will be affected.
- The windows and openings overlooking the park could lead to inappropriate behaviour and/or people living in the flats taking photos or videos of children playing in the park.
- The park has many trees which provide habitats in them.
- Leyburn Road is a cul-de-sac road and as a consequence, with so much traffic and parked cars, it's very difficult for vehicles to turn or manoeuvre on the road.
- Where would the heavy goods vehicles park during the demolition and construction stages of the works?
- Where would construction materials be stored or delivered to when the works did eventually commence??

- If the community park area is used for the delivery and storage of building materials, this would pose a risk in terms of pedestrian and highway safety.
- The proposal (which also includes extensive demolition works) will lead to high levels of noise, construction traffic, dust, and mud being deposited on the adjacent roads which will cause distress for local residents.
- Those in support of the proposal have suggested that the proposed development would lead to a reduction in anti-social behaviour. South Yorkshire Police official figures indicate that during the past 5-year evidence, anti-social behaviour in the Broadfield Park locality has been in a steady decline. The installation of CCTV adjacent to the property by the Police and the Council has also contributed to the decline in anti-social behaviour in the area.
- The applicant has described the building as being 'derelict for many years', this is not true, the building has been actively used by the community and this can be verified by the ward councillors. The area is vibrant, especially the park.
- There are concerns regarding access to the site. Currently there is a private access path from the back of properties 515, 517 and 517a to Broadfield Road. This private access is indicated on the deeds/land registry documents. We object strongly that this path is the primary access for the new development. The submitted plans show the path as being a right of way but legally it is not.
- The existing public park trees do not appear to be shown in the correct positions on the plans. The trees are habitat to many birds and wildlife that is so important in this busy urban area. The trees and wildlife are important for the benefit of park users, residents and local people. Are there any assurances that the trees will not be affected??

Councillor Alison Teal has made representations on behalf of local residents with whom she has met at the site:-

- The proposal appears to rely on the use of land belonging to others in order to gain access to the proposed development.
- There are concerns from local residents about where the bins for the new housing will be stored and collected from by Veolia.
- Several of the local residents have English as a second language and are unlikely to have fully understood the proposal, Councillor Teal had indicated that she would like more time to discuss the proposals with the local residents and to then possibly submit comments on their behalf.

Non-Planning Related Concerns:-

- Where will the services be located, the owner of the building has stated that the building has no gas or water running to it.
- The applicant has been putting pressure on neighbouring residents/tenants into supporting the proposal.
- This development could lead to community unrest because residents are very unhappy about the proposals.
- A new access path has been created from the Broadfield Road side, did this ever get planning permission?? The path is on Council-owned land, is this path legal??

## PLANNING ASSESSMENT

It is considered that the main issues relevant to this application are as follows:-

- Policy and Land Use;
- Effects on the amenities and living conditions of neighbouring residents and on the occupiers of the proposed flats;
- Highway Issues;
- Design Issues and its effect on the character and appearance of the surrounding area; and
- Flood Risk Issues.

### Policy & Land Use

The National Planning Policy Framework (NPPF) sets out the Government's overarching framework from which to assess planning applications. The Sheffield Unitary Development Plan (UDP) and the Sheffield Core Strategy both represent the City Council's local planning policies.

Paragraph 8 of the NPPF identifies three core objectives in order to achieve sustainable development:-

- a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and co-ordinating the provision of infrastructure;
- b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and supports communities' health, social and cultural well-being; and
- c) An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF (2019) now requires that where a Local Plan is more than 5 years old, the calculation of the 5-year housing requirement should be based on local housing need calculated using the Government's standard method.

The Local Planning Authority is in the process of updating its five year housing land supply position, however given the changed assessment regime identified in the revised NPPF (2019) and associated Practice Guidance, further detailed work is required. The Local Planning Authority will therefore be undertaking additional work, including engagement with stakeholders, to reflect the requirements of national



policy and guidance before publishing the conclusions in a monitoring report later this year. The Council's most recent assessment of supply, contained in the Strategic Housing Land Availability Assessment (SHLAA) Interim Position Paper (2017), showed a 4.5 year supply of sites. At the current time, the Council cannot therefore demonstrate a five year supply.

Paragraph 95 of the NPPF places a strong emphasis on promoting public safety by anticipating and addressing threats and hazards, especially in locations where large numbers of people are expected to congregate. The NPPF commentary also states that the new developments should also include measures to help reduce vulnerability, increase resilience and ensure public safety and security.

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.

Paragraph 117 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF goes on to state (at paragraph 127), that planning policies and decisions should ensure that developments:-

- a) 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;
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
- d) Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) 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; and

where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The Sheffield Unitary Development Plan (UDP) and the Sheffield Core Strategy are the City Council's local planning policies and, incorporate the relevant planning policies by which the proposal also needs to be assessed. Officers consider that the most relevant local planning policies from the Sheffield Unitary Development Plan (UDP) and the Sheffield Core Strategy are:

UDP Policies:-

H10 (Development in Housing Areas)  
H5 (Flats, Bed-Sitters and Shared Housing)  
H14 (Conditions on Development in Housing Areas)  
H15 (Design of New Housing Developments)  
BE5 (Building Design & Siting)  
GE20 (Flood Defence)

Core Strategy Policies:-

CS24 (Maximising the Use of Previously Developed Land for New Housing)  
CS26 (Efficient Use of Housing Land and Accessibility)  
CS41 (Creating Mixed Communities)  
CS63 (Responses to Climate Change)  
CS67 (Flood Risk Management)  
CS74 (Design Principles)

Although designed initially for house extensions, the adopted Supplementary Planning Guidance (SPG) "Designing House Extensions" is also a useful adopted policy document that provides relevant guidelines when considering the impact on residential amenity (such as minimum separation distances, minimum garden/amenity spaces, etc.).

Policies and guidelines in the aforementioned documents are referred to as relevant in the sections that follow.

Given that the application site lies within a Housing Policy Area (where housing uses are preferred), officers are satisfied that the principle of new housing at this site is acceptable in land use terms, and therefore, the proposal satisfies UDP Policy H10.

Core Strategy CS24 seeks to maximise the use of previously developed land for new housing. This proposal is for development of a small site within a Housing Policy Area. The site has previously been used and is in state of disrepair and therefore this proposal would satisfy the aims of Policy CS24.

Also of relevance is Core Strategy Policy CS26, which seeks the efficient use of housing land. With regard to this policy, the site is located in an area where a density in the order of 40 to 60 dwellinghouse per hectare should be achieved. The policy does allow development outside these ranges but only where they achieve good design, reflect the character of an area or protect a sensitive site. In this instance, the proposed development of 6 residential units (4 flats and 2 studios) on this 433.64

square metre site area equates to a density of 138.36 dwellings per hectare, which would be significantly higher than the 40 to 60 density range normally expected.

### Living Conditions of Neighbouring Residents and Future Occupants

This proposed scheme is for demolition and new build. The proposed layout of the new development is such that there would be two main residential blocks (each being two-storey and containing 3 residential units) positioned either side of central courtyard area. The proposed residential blocks would occupy a similar layout/footprint to the existing configuration of buildings at the site.

In terms of amenity issues, the key components are considered to be the relationships between the two residential blocks and existing neighbouring properties; the relationship between the two residential blocks themselves and, the relationship between the two residential blocks and the adjacent area of open space.

#### Block A

The proposed scheme will result in the larger of the two blocks (identified as block A for the purpose of this report) being positioned approximately 8 metres away from the rear elevations of property nos. 9 to 13 Leyburn Road. Although this is a similar separation distance to the existing building, part of that building is currently only single-storey and therefore, officers consider that this proposal for a wider two-storey development will have a detrimental impact on the occupants of nos. 9 and 11 Leyburn Road who would now face a two-storey building with a separation distance of only approx. 8 metres from their ground and first floor north facing windows and within a couple of metres of their rear yard/amenity areas.

The submitted plans show (in a cross section) that the new build accommodation will be slightly lower in height than the existing building (by approx. one metre) and slightly further away from the houses at the rear on Leyburn Road (by approx. half a metre) which is certainly viewed as a positive aspect of the proposal however, the plans don't readily show that the existing building at the rear of nos. 9 – 11 Leyburn Road is only part-two-storey and part single-storey. The existing building is only two-storey at the rear of nos. 11 and 13 Leyburn Road but under this proposal will become two-storey for an extended width of approximately 5 metres, thereby having a much greater impact on the living conditions of the occupiers of nos. 9 and 11 Leyburn Road which would now be much more enclosed-in at the rear and would have significantly higher walls creating overbearing features and further reducing natural light reaching the rear yards/gardens of nos. 9 and 11 Leyburn Road.

Although specifically related to house extensions, when assessing the impact of new development on neighbouring properties, the Council commonly uses the guidance contained in SPG Designing House Extensions as an empirical guide when considering new housing development. At Guideline 5, it states that to prevent unreasonable overshadowing and over-dominance of neighbouring dwellings including loss of outlook, a two-storey extension should not be placed nearer than 12m in front of ground floor main windows of a neighbouring dwelling. As noted above, in this instance, the separation distance from the block A accommodation to the neighbours will be approximately 8 metres, which would fall below the recommended guidance set out in SPG Designing House Extensions to prevent loss of outlook. The detrimental impact in

this instance is also made worse by the fact that the existing rear-facing windows of nos. 9 to 13 Leyburn Road are predominantly north-facing and therefore don't receive as much natural sunlight in any case.

Given this and the fact that the new two-storey build would be erected along the full width of the rear gardens of neighbouring properties (particularly nos. 9 and 11 Leyburn Road) this would mean that the overall impact of the new build would be significant. It is considered therefore that the development would conflict with UDP Policy H14 which seeks to protect the amenities and living conditions of occupiers of existing neighbouring properties.

#### Block B

The smaller of the two blocks (identified as block B for the purpose of this report) will be positioned approx. 5 metres away at its closest point and approx. 9 metres at its furthest point from the rear elevations of properties on Abbeydale Road (in particular nos. 519 and 521 Abbeydale Road). Whilst it is acknowledged that the existing building is currently slightly closer (approx. 4 metres at its closest point, ranging up to approx. 10 metres at its furthest point), under this proposal, the new structure will be two-storey and not single-storey at that closest point, and as such, the proposed new-build structure will have a significantly more detrimental and overbearing impact on those properties on Abbeydale Road. Many of these are commercial units at ground floor level with residential flats above.

Whilst not the case for every shop, some of the yard areas at the rear of some of the shops units on Abbeydale Road (between nos. 519 and 525) are used by the flats as shared amenity spaces (particularly those that are accessed from the rear). The impact on neighbouring amenities in this respect therefore is the overbearing impact of a higher eaves height in such close proximity to amenity yard areas and, the closer proximity of that same higher eaves height to rear first-floor windows that would face out onto the new build structure at very close range (5 metres at the closest point ranging up to 9 metres from the furthest point).

Both block A and block B have been designed with no windows or other openings at the rear and as such (particularly in the case of block A, the larger block) there will be a large expanse of brickwork facing the rear elevations of residential properties adding to the overbearing presence of the development and also creating a sense of being more hemmed-in. Not only would this be detrimental to the views from existing rear facing windows of the neighbouring properties, but it would also have a significant and detrimental impact on the rear gardens/yard areas of the adjacent properties which are already relatively small and, are north facing.

With regard to the Block B building, officers recognise that the new building will be positioned slightly further away by approx. 1.2 metres (and at an angle) from the rear elevations of properties on Abbeydale Road (nos. 519 to 525), however off-set against that increased separation is the fact that the existing building has a lower eaves line and the new building will have a higher eaves line (a difference of approx. 1 metre to the bottom of the chamfered roof slope).

For balance, it could be argued that this section of the development has a neutral impact when considering what already exists on site. It is a concern however, that the new build

structure (block B) will be positioned unusually close to the rear of properties on Abbeydale Road and will still have an overbearing impact on their rear yard areas, some of which are used as amenity spaces for the first-floor flats. Unlike the existing single-storey structure which has a roof slope that grades away from the properties on Abbeydale Road, the new structure would appear more imposing despite being set further away from the party boundary.

### Summary of Impact on Neighbouring Residents

For the reasons above it is considered that the development represents a reduction in living conditions for the occupants of no's 9 and 11 Leyburn Road, and 519 to 525 Abbeydale Road all of which already have small north facing yards/amenity areas, and restricted outlook from predominantly north facing windows. The development is therefore considered to conflict with the aims of Policies H14 and BE5 of the UDP and paragraph 127 of the NPPF.

### Future Occupiers

The scheme is designed such that block A has single aspect openings, with the doors and windows facing north/north-east towards block B at an angle. The separation distance between the ground and first-floor window openings of block A and the front façade of block B is approx. 7 metres at the closest point, ranging to approx. 10.5 metres at the furthest point. The two blocks have principal elevations that are set at an angle of approximately 27 degrees to one another.

Supplementary Planning Guidance recommends a minimum separation distance of 12 metres where ground floor windows face towards a two-storey structure such as a gable end/blank wall etc. or, a 21-metre separation distance in instances where windows to main habitable rooms face directly onto one another. The applicant has attempted to overcome this shortfall by introducing oriel windows to the front elevation of block B so as to reduce the direct overlooking between the two blocks. Whilst the oriel windows help to some degree, there is still the ability, partly because of the very close proximity of approx. 8 metres, for the future occupants to look directly into the neighbouring properties.

Given that the windows in block A are the only windows to the accommodation because of the single aspect nature of the accommodation it is critical that these windows have a reasonable outlook that doesn't face onto another two-storey building at very close quarters. The ground floor windows in the block A units are the main living/sitting rooms and the first-floor windows in the block A units are bedrooms, i.e. main habitable rooms where privacy issues and the need for a reasonable outlook are more significant. Both ground and first-floor windows are large full height windows needed to maximise the light entering the living accommodation and are the only sources of natural light for those rooms. The windows in block A, serving units 1 and 2 would be facing the block B building at a distance of 8 to 9 metres. Maintaining minimum separation guidelines is not only important for ensuring some degree of privacy between neighbouring properties, but also, to ensure that neighbouring buildings aren't overbearing to one another in terms of windows and amenity spaces and allow a reasonable degree of natural light to enter.

The very close proximity between block A and block B will lead to loss of privacy, loss of light and create a sense of overbearing and a perception of being overlooked. For these

reasons, it is considered that this proposal would be contrary to adopted SPG, UDP Policy H14 (c) and good design principles (as a result of the cramped and overdeveloped layout and the loss of light and privacy) that would also result in a poor living environment for the future occupiers of the proposed new residential units.

It is also noted that the principal window openings to the residential units in block A (and to a degree the window openings to block B) face out onto the communal amenity space/courtyard area, and as such, the ground-floor level windows and openings to these flats could be subjected to noise and loss of privacy from activity taking place in the communal/courtyard amenity areas. Whilst officers acknowledge that there is a new enclosure being proposed to the front of each of the residential units, the enclosure is only low-level (approx. 1 metre) and is positioned relatively close to the front façade of the flats (2 metres) and therefore cannot offer much protection in terms of loss of privacy or noise generated in the communal amenity space.

The communal amenity/courtyard space would be for the use of the future occupants, but would also be used by visitors, and people delivering goods/parcels etc. There would be instances where visitors to the site would be passing the main windows of the new flats at close range, adding to the absence of privacy. In order to overcome this, occupants would have to rely on blinds or curtains for privacy. Officers are of the opinion that this would contribute to the poor living environment for the future occupants of the flats based on the fact that the properties only have a limited number of windows/openings and those openings are highly likely to be screened (by curtains or blinds) in order to maintain some degree of privacy.

Officers do acknowledge that the communal amenity space provides a valuable shared amenity space on a development site where limited external space is available. The communal amenity space will also be a space where future occupants could meet and engage with one another. Despite being helpful in promoting and fostering good communal/community spirit and interaction, this would not override the needs of individuals whom are likely to place their privacy needs over a secondary benefit of communal interaction.

Block B (the smaller of the two proposed residential blocks) is positioned approx. 1.6 metres from the existing boundary with the adjacent area of open space (Broadfield Park). The gradients of open space are such that there is an elevated mound that would be approx. 7 to 8 metres away from the upper floor windows and openings on the east elevation of block B. This proposal could therefore result in invasion of privacy and overlooking (and potential for noise nuisance) between the upper mound of the park and the first-floor windows serving a kitchen and a lounge to unit 6 on the east elevation of the block B accommodation.

This close proximity of block B to the site boundary is such that the upper floor windows on the east elevation of block B are entirely reliant on the neighbouring open space site for light and outlook which, would have a detrimental impact on the future development potential of the neighbouring site, either in its current use, or any future redevelopment. This does not represent good planning and would be an unreasonable restriction and imposition on the neighbouring land. This is not an issue that can readily be resolved within the current proposed layout, as removing the upper floor windows on this elevation of unit 6 would likely lead to no outlook from main habitable rooms.

Officers consider that even though this is only a small-scale development of 6 residential units, the principles for ensuring public/user safety are still relevant and should be applied as good practice when dealing with all new residential developments. In this instance, officers consider that the creation of long narrow entry routes into the site with no natural surveillance, improved lighting or secure gated entry points does nothing to promote this development as being a safe and secure environment for the future occupants and/or visitors.

The submitted site layout plan shows the bin storage areas for the new flats located in two separate locations (one being near the entrance to the pedestrian access off Leyburn Road, adjacent to no.9 Leyburn Road) and the other being within the communal courtyard area. On bin collection days, bins in the communal amenity space would have to be transported to either Broadfield Road or Leyburn Road (distances of approx. 30 to 40 metres away which is not ideal).

There is an existing bin storage issue with bins regularly stored within the main passage/access to the site off Leyburn Road. The proposed layout does not provide sufficient bin storage for the six units, which is likely to exacerbate this issue, and is a further indication of overdevelopment of the site.

Policy H5 (b) of the Sheffield Unitary Development Plan (UDP) deals with proposals for flats, bed-sitters and shared housing, the policy makes it clear that the living conditions of new developments of this type should be satisfactory for occupants of the new accommodation and for their immediate neighbours. For many of the reasons outlined above, it is considered that the scheme would conflict with this policy.

The applicant has confirmed that the pedestrian entry point from Leyburn Road will be partially bricked-up with a 1.5 metre high brick wall) and that a new 1.5 metre high gate will also be erected.

#### Summary of Future Occupiers' Living Conditions

There is insufficient separation between main windows serving the two blocks that will lead to a lack of privacy and poor outlook for future occupants of both blocks. Occupants will also be subject to overlooking from the adjacent Open Space.

The above-mentioned amenity issues are generally borne out of the fact that the site is being overdeveloped and that there is a desire to maximise the number of units on the site without reasonable care or consideration for the amenities and living conditions of either the existing neighbouring residents or the future occupants of the development. As such, the proposed development fails to satisfy Policies BE5, H14 and H5 of the Sheffield Unitary Development Plan and, Guidelines 5 and 6 of the "Designing House Extensions" Supplementary Planning Guidance (SPG).

#### Highway Issues

UDP Policy H14 requires new developments to be provided with safe access to the highway network and also be provided with appropriate off-street parking.

As mentioned above, 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.

The development of the site does not include any provision for off-street car parking. It is recognised however, that the site is located within a sustainable location close to shops and services and also close to good public transport links (along the Abbeydale Road corridor and, to a lesser degree, the Chesterfield Road corridor). The application scheme shows provision for 8 on-site cycle parking spaces (located adjacent to the communal courtyard/amenity space) which would help mitigate to some degree that the development has no off-street car parking provision, and would promote sustainable transport.

Despite being in a sustainable location, officers consider that the construction of 6 self-contained residential units would lead to an increase in on-street car parking. It's also clear that because of the highway layouts and parking restrictions in this immediate locality (i.e. on both Abbeydale Road and Broadfield Road), any increased traffic and parking demand generated by the development, including by occupants, visitors and deliveries would more than likely occur on Leyburn Road. Leyburn Road is a short cul-de-sac road that already serves approximately 14 dwellings, some of the flats above shops and, an existing mosque building. Whilst the mosque building does have some designated off-street car parking, observations by officers have revealed that the level of off-street car parking at the mosque does not meet the demand created by its users, and therefore, there are regular occurrences of mosque-users parking on Leyburn Road.

In addition to the residents and some mosque-users, Leyburn Road is also frequently used by people visiting the local shops, the nearby school and, the open space/Broadfield Park. In this regard therefore, as demonstrated by the representations, the cumulative impact of increased levels of traffic on Leyburn Road is already having a detrimental impact on the amenities of local residents and on highway safety, particularly at peak times and when the mosque building is in full use. There are no designated turning areas on the road and cars have been observed reversing back out onto Abbeydale Road (a scenario created when two vehicles meet head-on close to the junction). Such instances clearly pose a risk to pedestrian and highway safety.

A reduced scheme would limit the potential impact of the development upon highway safety, however, in its current form the proposed development would lead to an increase in on-street car parking and vehicle movements on Leyburn Road which, cumulatively would have a significant and detrimental impact on pedestrian and highway safety, as such, the proposal would be contrary to Policy H14 (d) of the Sheffield Unitary Development Plan and also contrary to Paragraph 109 of the NPPF.

#### Character and Appearance of the Surrounding Area

UDP Policy BE5 'Building Design & Siting' seeks to ensure that new developments are well designed and make use of good quality materials. This policy goes on to state that new buildings should complement the scale, form and architectural style of surrounding buildings; and that where there is more than one building being proposed, there should be a comprehensive and co-ordinated approach to the overall design. The policy states



that design should be on a human scale wherever possible the mass of buildings should be broken down. The design, orientation and layout of developments should encourage the conservation of energy and other natural resources.

In terms of the user-requirements of new developments, the design of buildings, landscaping and lighting should promote all aspects of personal safety and security, particularly at night time and, designs should also meet the needs of users, particularly people with disabilities, elderly people, people with children, and women.

The proposed scheme is effectively two separate residential blocks separated by an approximate 8m/9m wide central courtyard. The proposed blocks will be constructed in red brick (with the actual brick type to be confirmed). Each of the two buildings will have a flat roof using a grey resin bond or similar material. The proposed fenestration detailing will consist of graphite grey aluminium frames.

In order to reduce and minimise the overbearing impact on existing neighbouring residents, each of the two residential blocks has been designed with a chamfered rear roof shape. Whilst the chamfered roof shape benefits to a degree the immediate neighbours by way of reduced massing close to the boundary, it does result in the south elevation of the smaller block having an asymmetrical appearance which is not ideal in design terms.

The proposed residential development is for a demolition and re-build, and therefore despite the constraints of the site, this was an opportunity to deliver a more creative and well-designed scheme that offered more in terms of visual appearance for surrounding neighbours and more in terms of visual interest from the public domain. A well-designed scheme might also have delivered a development that was also more user-friendly in terms of features such as: - location of bin storage areas, bin travel distances, better use of orientation and maybe the inclusion of some sustainable features. Instead, the resulting design has a cramped appearance that creates a poor living environment for both the future occupants of the development and also for existing neighbouring residents.

Whilst there are overall design aspects of this development that are not ideal, officers do not consider this to be a strong enough reason in itself to justify a reason for refusal, particularly as the redevelopment of the site would secure the removal of an unsightly cluster of buildings that have a hap-hazard range of extensions and materials and that have been poorly maintained and therefore have an unsightly appearance at present.

#### Flood Risk Issues

The application site lies within a Flood Zone 2 area where there is a medium risk of flooding.

The NPPF and the following UDP and Core Strategy policies are most relevant:

GE20 (Flood Defence)  
CS67 (Flood Risk Management)

The quoted policies seek to reduce the extent and impact of flooding and are consistent with national policy in the NPPF.

The NPPF and the supporting Technical Guidance maintain previous policy requirements for the sequential testing of sites at risk of flooding. The objective is to steer development to sites at lower risk of flooding. Sequential testing is not applied to conversions of existing buildings but should be applied in respect of the new build elements of the scheme.

In this instance, the applicant has provided a statement about Flood Risk. The submitted statement indicates that no actual sequential testing has been carried out nor does the statement refer to any mitigation measures that could be introduced to safeguard future users and occupants of the development. Nor has the applicant provided any details of a proposed sustainable drainage system (SUDS).

It is acknowledged that the current application proposal fails to meet the requirements of the Sequential Test as required by the National Planning Policy Framework because alternative housing sites across the City that lie outside of the medium or high risk Flood Zones would more than likely be available and offer the potential to be allocated or available on the open market.

Paragraph 159 of the NPPF states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), then the exception test may have to be applied.

Paragraph 160 of the NPPF states that for the exception test to be passed, it should be demonstrated that:-

- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Paragraph 161 of the NPPF states that both the elements of the exception test should be satisfied for development to be allocated or permitted.

Paragraph 163 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:-

- a) Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) The development is appropriately flood resistant and resilient;
- c) It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) Any residual risk can be safely managed; and

- e) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Notwithstanding the apparent failure of the Sequential Test, it is also acknowledged that there are some material benefits of a residential scheme at this location that do merit some consideration and, those benefits include:-

- The site is located in a sustainable location and suitable area for residential development (i.e. a housing policy area), with a number of public transport links with good connectivity and local facilities (shops and services) in close proximity;
- The provision of new housing at this site will make a positive, albeit small, contribution to the supply of new housing; and
- The development proposals will re-use a vacant unattractive brownfield site that has in the past been associated with anti-social behaviour.

Despite the potential benefits of the proposal, in the absence of any sequential testing and any details of potential mitigation measures against flood risk to reasonably demonstrate the scheme would be flood resistant and resilient or, that the residual risk can be safely managed, the applicant has failed to reasonably demonstrate that a residential scheme can be achieved at the site without risk or harm from flooding, and as such the proposal would be contrary to UDP Policy GE20 (Flood Defence), Core Strategy Policy CS67 (Flood Risk Management) and also contrary to Paragraphs 160, 161 and 163 of the NPPF.

#### Other Issues

##### Community Infrastructure Levy

In this instance the proposal falls within Housing 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.

#### SUMMARY AND RECOMMENDATION

Full planning permission is being sought to re-develop the site of the former Starkholme Building for residential purposes (creating 6 new 1 bedroom flats/studios). The new accommodation would be in the form of two separate 2-storey blocks. The proposed development would be car-free as there is no scope for providing on-site car parking.

The site is located within a Housing Policy Area and is also located within a Zone 2 Flood Risk Area and is adjacent to an Area of Public Open Space.

The principle of housing at the site in land-use terms is considered acceptable and there are benefits of a small scale housing scheme being carried out at a time of a lack of 5 year housing supply, on a previously developed, semi derelict site in a sustainable location.

Officers consider however, that the development is cramped and overdeveloped and as a consequence will result in a poor layout and a poor living environment for both the future occupants of the development and existing neighbouring residents.

Although the site is located within a sustainable location, the proposal would lead to an increase in on-street car parking and vehicle movement which would more than likely occur on Leyburn Road. It is already acknowledged that Leyburn Road is operating to full capacity and there are already instances of traffic congestion and parking problems which this development would be further adding to, to the detriment of highway safety.

By not undertaking any sequential testing or showing any forms of mitigation or resilience to flooding, the applicant has also failed to reasonably demonstrate that a residential scheme can be carried out at the site without risk or harm from flooding.

Based on all of the key points highlighted in this report, officers consider that the proposal (as submitted) would represent a poorly designed scheme that would be an overdevelopment of the site and that would lead to significant amenity issues for future occupants and existing neighbours (in terms of massing close to boundaries, overlooking and loss of privacy).

The assessment of this development proposal needs to be considered in light of paragraph 11 of the NPPF, which identifies that when making decisions, a presumption in favour of sustainable development should be applied.

Paragraph 11 goes onto state that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, as is the case here as Sheffield does not benefit from a five year housing land supply, planning permission should be granted unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

For the reasons described above, it is considered that it has been demonstrated that there would be clear adverse visual, highway safety, residential amenity, and flood risk impacts that would occur as a consequence of this application being granted, and those impacts would outweigh the limited benefits of granting permission for the 6 residential flats on the site.

Furthermore, it is considered that the relevant development policies that are most important for determining this application can still be afforded substantial weight as they accord with the corresponding sections within the NPPF.

Therefore, based on all of the points highlighted above, the proposal would be contrary to UDP Policies H5, H14, H15, BE5 and GE20 and, contrary to Core Strategy Policies CS74, CS67 and also contrary to the NPPF.

For the reasons given in the report and having regard to all other matters raised, it is considered that the development is unacceptable and should be refused.