
Report of the Chief Planning Officer

Plans Panel North and East

Date: 11th May 2017

Subject: 16/07555/FU Construction of 13 houses at the Former Stanks Fire Station, Sherburn Road, Swarcliffe, Leeds LS14.

APPLICANT

Mr Darren Hirst

DATE VALID

1st December 2016

TARGET DATE

12th May 2017

Electoral Wards Affected:

Cross Gates and Whinmoor

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

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RECOMMENDATION: REFUSE PERMISSION for the following reasons:

1. The Local Planning Authority considers the proposed development would represent an overdevelopment of the site as evidenced by its layout design and off-street parking arrangements resulting in the creation of large areas of frontage parking and an internal parking court which provides a poor quality environment and is not well overlooked. Furthermore, the proposal fails to adequately resolve bin storage arrangements, demonstrate it will not be detrimental to prominent protected trees on site or that the ground level changes required as part of the development would not result in overbearing retaining structures, boundary treatments and relationships with adjacent plots, prejudicial to the residential amenity of occupants and the site appearance. Accordingly, the proposed development is contrary to the Core Strategy (2014) policies P10, P12 and T2, the saved UDP Review (2006) policies GP5, BD5, N23, N25 and LD1 and the design guidance contained within the Neighbourhoods for Living (SPG), Street Design Guide (SPD) and the NPPF.
2. In the absence of a signed Section 106 agreement the proposed development fails to provide necessary contributions and/or obligations for the greenspace, without which would result in an unsustainable form of development that fails to meet the identified needs of the city and prospective residents, contrary to the

requirements of the saved UDP Review (2006) policy GP5 and related Supplementary Planning Documents and contrary to Core Strategy (2014) policies G4 and ID2 and guidance in the National Planning Policy Framework.

1.0 INTRODUCTION:

- 1.1 This application is brought to Plans Panel North and East at the request of Ward Councillor Janette Walker who wishes Members to consider the proposal as her ward is under huge pressure in the site allocation process to deliver (housing) on green sites and that this brownfield site needs bringing into use. Councillor Walker goes on to confirm that according to the council, a shortage of houses exists and if there are issues of traffic and numbers these are issues she wants exploring at a full hearing.

2.0 PROPOSAL:

- 2.1 This planning application proposes 13 dwellings which are arranged in three individual terraces fronting surrounding roads. The layout includes a centrally positioned internal parking court to serve some of the units and visitor parking, the others are provided with in-curtilage parking. The dwellings are a range of two and three bedrooms and each have an enclosed rear gardens. Some tree retention is shown on the site frontage of Sherburn Road with others replaced by new tree planting/ landscape scheme.
- 2.2 The proposed dwellings are two storey in height and are to be constructed of brick with a tiled dual pitched roof over.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site formerly contained a fire station building with an associated drill tower to the side. The buildings on site have been demolished leaving a cleared site enclosed by high metal fencing. The site is either hardsurfaced (and used as vehicle circulation and parking) or grass. The site also contains a mature tree grouping to the site's south-west corner and two other trees to the western and northern parts of the site. All on-site trees are protected by a TPO confirmed in 2015 when the fire station site was initially earmarked for closure.
- 3.2 The application site occupies a corner plot at the junction of Stanks Drive, Sherburn Road and Sledmere Place. The site occupies elevated ground level relative to Stanks Drive, plateauing centrally where the former buildings stood and then rising to the north. There is a ginnel that runs along the north-eastern side of the site. The locality is residential in character containing compact rows of two storey terrace dwellings.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 16/06879/RM - Reserved Matters Application for 14 houses- Withdrawn (01/12/16).
- 4.2 16/01766/OT - Outline application for residential development with associated access - Approved (12/05/16) – (Access only applied for)
- 4.3 15/04403/DEM - Demolition of Fire Station- Approved (27/08/15).

4.4 2015/12 - Tree Preservation Order – Covers all on-site trees

5.0 HISTORY OF NEGOTIATIONS:

5.1 During the course of the application a number of amendments have been carried out to the layout resulting in a deletion of one dwelling units; re-configuration and enlargement of the parking court; re-positioning of the off-street parking for dwellings fronting Stanks Drive (adjacent bus shelter); introduction of crime prevention measures; intention to retain some trees to Sherburn Road frontage.

5.2 Officers have continued to push for a further reduction in units and/or a revised layout to address outstanding concerns but the applicant is satisfied the proposal meets required guidelines and considers the application should now be supported.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by site notice posted adjacent to the site dated 16th December 2016. Letters of representation have been received from 9 households in response to the public notification process albeit not all are from the immediate area:

6.2 7 letters express support to the proposals on the following summarised grounds:

- Nice to see development use the site to provide nice attractive housing; nice size back gardens; proposal attractive and parking plentiful.
- Really improve the area as site not looked after at present; land in need of development.
- Bring much needed housing to the area and with a shortage of homes and not enough development going on.
- Could not believe the last outline permission (5 houses) was not encouraged to use whole of plot as seems a complete waste of development land- no wonder there are homeless people when developers do not use site's to full potential; 5 properties on site of this size would look unusual and needs to be properly used; previous approval did not use site to full potential.
- Looks similar to recently developed housing estate further down road; appears a well thought out scheme and sit well within surroundings; parking off road same principle as Persimmon Homes development.
- Appears to have sufficient parking and a plus that people can park within the site as well as on their own drives; parking in courtyard is a good idea for visitors so do not need to park on road.

6.3 2 letters of objection received expressing the following summarised grounds:

- Cannot understand why this area is being used for houses instead of leaving it as a fire station.
- Query the notification of the application.
- Site not capable of supporting the number of homes submitted without detrimental impact on local area, existing residents and traffic flows.
- Site borders a busy junction (a main access to estate) served by multiple high frequency bus services- inadequate parking provide so park on adjacent streets causing traffic chaos, strain on existing parking arrangements- increased pollution, congestion and conflict between new and existing residents.

- Conflict between bus stop/bus users and new residents as narrow footpath between.
- Previous outline permission was for significantly lower number of houses- more suitable for this site. Density is unsustainable and will impact negatively on existing residents, road users, bus users and on wider area environment.

6.4 Ward Cllr Janette Walker has also requested a Panel determination for the reasons stated in para. 1.1.

6.5 Ward Cllr Pauleen Grahame has objected to the proposal on the basis the site is far too small for 13 properties with 26 cars (2 per property) or more.

7.0 CONSULTATIONS RESPONSES:

7.1 Highways: Detailed layout amendments requested.

7.2 Flood Risk Management: No objection. Conditions recommended.

7.3 Contaminated Land: No objection. Conditions recommended.

7.4 Yorkshire Water: No objection. Condition recommended.

7.5 West Yorkshire Police (architectural liaison): Advisory note on a range of security measures however concerns raised with communal parking area as situated to rear, obscured by rear garden fencing and no natural surveillance.

7.6 SDU (landscape): loss of protected trees; amendments required to accommodate retention of prominent trees; needs less reliance on parking court and create more attractive streetscene and secure development.

7.7 West Yorkshire Combined Authority: Request Residential Metrocards be provided for occupiers; no objection to relocation of shelter subject to being retained within catchment area (costs to be incurred by applicant- £7,000).

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Local Planning Policy

8.2 The following Core Strategy policies are considered to be relevant:

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|------|---|
| SP1: | Location of development in main urban areas on previously developed land. |
| T2: | Seeks to ensure that new development does not harm highway safety. |
| H2: | New housing on non-allocated sites. |
| H3: | Housing density. |

- P10: Seeks to ensure that new development is well designed and respect its context.
- P12: Landscape.
- G4: On-site greenspace for major residential developments.
- EN1: Sustainability.
- EN2: Sustainable construction methods/materials.
- EN4: District Heating.
- EN5: Seeks to manage and mitigate flood risk.
- ID2: Planning obligations and developer contributions.

8.3 The application site is not specifically designated within the saved UDP Review (2006). Nevertheless, the following saved policies are also considered to be relevant:

- GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- N23: Retention and provision of incidental openspace within developments
- N25: Seeks boundaries of sites to be designed in a positive manner using walls, hedged or railings where appropriate to the character of the area.
- BD5: Seeks to ensure new development protects amenity.
- LD1: Seeks for landscape schemes to complement and where possible enhance the quality of the existing environment.

8.4 The following Natural Resources and Waste policies are also considered to be relevant:

- MINERALS3: Surface Coal resources.
- AIR1: Major development proposals to incorporate low emission measures.
- WATER1: Water efficiency, including incorporation of sustainable drainage.
- WATER4: Effect of proposed development on flood risk.
- WATER 7: All developments are required to ensure no increase in the rate of surface water run-off to the existing formal drainage system and development expected to incorporate sustainable drainage techniques.
- LAND1: Supports principle of development on previously developed land and requires submission of information regarding the status of the site in term of contamination.

Supplementary Planning Guidance

- 8.5 Neighbourhoods for Living (SPG13, adopted).
 Sustainable Urban Drainage (SPG22, adopted).
 Street Design Guide (SPD, adopted).
 Designing for Community Safety (SPD, adopted).
 Sustainable Design and Construction (SPD, adopted).
 Leeds Parking Policy (SPD, adopted).

National Planning Policy

- 8.6 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

- 8.7 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.
- 8.8 The NPPF gives a presumption in favour of sustainable development and has a strong emphasis on achieving high quality design. Of particular relevance, the national planning guidance attaches great importance to the design of the built environment and is indivisible from good planning (para.56, NPPF) and seeks development proposals to add to the overall quality of the area, create attractive and comfortable places to live and respond to local character and create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life (para.58, NPPF).

DCLG - Technical Housing Standards 2015

- 8.9 This document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the City Council is currently progressing to adopt the national standard, building on work already done in developing the Leeds Standard which is applied to all Council schemes and which seeks to influence private sector development to achieve better quality housing. As the work, however, is at an early stage within the local plan process little weight can be attached to it at this stage.
- 8.10 The proposal utilises five different house-types, comprising two and three bedroom dwellings which are all two storey in height. When assessed against the technical housing standards two of the proposed house types (plots 1-3, 5, 10 and 13) fall short of the described standards by 2sqm. Plots 4, 11 and 12 meet the internal floorspace standard by 1sqm with Plots 6 and 9 exceeding the standard by 28sqm. Plots 7 and 8 also satisfy the floorspace standard exceeding the standard by 3sqm. The implications of these calculations are discussed within the residential amenity section of the appraisal (para.10.13).

9.0 MAIN ISSUES

1. Principle of development
2. Impact on design, visual amenity and character
3. Impact on residential amenity
4. Highway implications
5. Greenspace
6. Sustainability
7. Flood risk and drainage
8. Land contamination
9. Community Infrastructure Levy (CIL)

10.0 APPRAISAL

Principle of development

- 10.1 The application site is not allocated for any specific purpose within the development plan and given the former fire station use is considered previously developed in nature. The site lies within an established residential estate, is served by existing highways and has good access to public transport and local services and is considered to be in a sustainable location. Moreover, the application site benefits from an extant outline planning permission (Ref: 16/01766/OT) which established the acceptability of redeveloping the site for residential purposes. Accordingly, it is considered support can again be given, in principle, to the residential development of this urban site although its overall acceptability is subject to other material considerations being satisfactorily resolved and these are discussed further below.

Impact on design, visual amenity and character

- 10.2 The application site lies within an area predominantly defined by conventional brick built two storey terraced housing stock although more recent developments, within the wider estate, have provided a contemporary variation. High rise tower blocks are also visible within the estate. The proposed dwellings display simple architectural detailing and are of a height, scale and material finish that would be compatible with the buildings in this estate.
- 10.3 The development proposal comprises an arrangement of three separate terrace blocks which are oriented to face out towards existing highways. Influenced by the dimensions of the site, the layout includes the laying out of an access road and a centrally positioned internal parking court. The parking court is required in order to accommodate the parking demand generated by the number of dwellings proposed at the site. During the course of the application officers have consistently raised concerns about the amount of development proposed and the resultant need for the parking court although the applicant has retained this element to facilitate what the applicant considers makes most efficient use of the land. Although the local planning policy seeks to achieve densities of 40 dwellings or more per hectare for an urban site such as this, and that this proposal is broadly in line with this policy requirements, matters of good design (for example, safe and convenient parking solutions which are well integrated within the development) also need to be considered and often outweigh the policy desire to achieve a certain density level.
- 10.4 The internal parking court is compactly arranged with rear gated access to plots 2, 3, 4, 7, 8, 11, 12 and 13. This area is entirely hardsurfaced and largely enclosed by high rear boundary garden fencing which will prevent occupiers of the development directly overlooking this area, presenting concerns about site security and user safety. This arrangement also makes the rear boundaries of the houses vulnerable whereas secure by design principles recommend gardens back onto gardens.
- 10.5 Historically rear parking courts often attract anti-social behaviour (ASB), such as vehicle damage and ball games and can often lead to them not being used for parking, with on-street parking being preferred to the front of properties. It is also to be noted that over recent years refurbishment works within the Swarcliffe estate have sought, where possible, to remove remote and non-overlooked parking courts and replace them with alternative parking solutions which are more convenient, better integrated/ designed and are ultimately safer for occupants. The site and surrounding areas report higher than the national average crime figures, in the last 6

months there has been 50 incidents of ASB reported and 10 incidents of criminal damage, there have also been many other criminal incidents (albeit these cannot be detailed further due to their nature), within a quarter mile radius of this site. Accordingly, the Police Architectural Liaison Officer does not support this type of parking arrangement and is not supportive of the scheme as currently laid out.

- 10.6 In responding to these concerns which officers have highlighted from the very outset, the applicant has advanced a crime prevention strategy incorporating a range of mitigation measures including lowering rear boundary fence heights, the use of hit and miss fencing, installing electronic access gates, lighting and CCTV to alleviate the concerns raised.
- 10.7 Although it is accepted such measures might help deter some ASB, as a new development the site layout should seek to resolve matters of security and natural surveillance and shouldn't build in future problems requiring the need for these additional security measures. The operational methodology of some of these measures is also not clear as the proposal is for open market housing leaving individual occupiers to address future management/maintenance costs. It is not a commercial development or even a flat development where such arrangements would be more commonplace. Furthermore, it is not clear is adequate privacy would be provided within rear gardens due to the proposed use of lower/amended boundaries. The level change across the site already raises issues regarding this matter and non-typical boundary treatments could further compound residential amenity concerns regarding overlooking. In conclusion, officers consider the parking court solution offers a poor and insecure environment that occupiers and visitors are less likely to use and will make the backs of the houses vulnerable.
- 10.8 In addition to the above and despite the provision of a separate parking court, plots 1-4 have parking spaces laid out to the front leading to a long length of hardsurfacing across the site frontage to Sledmere Place and creating a frontage completely dominated by parking. Not only does this look visually poor in such a prominent site frontage, it is also creates a poor environment for pedestrians in terms of vehicles reversing in/out of these bays due to the number of times this would happen over a single stretch of road.
- 10.9 From a landscape perspective, the site contains protected trees (comprising 3 moderate quality trees, 3 low quality trees with only 1 unsuitable for retention). Whilst it is considered that some tree removal may be necessary to achieve an efficient build out of the site and officers have always accepted this, the current balance between retention and removal is not fully resolved as the prominent cherries/ willow which stand along the site's Sherburn Road frontage are potentially still at risk. Whilst the revised layout plan suggests these trees will now be retained, given the close proximity and proposed ground level changes officers remain very concerned about the future of these trees and to date it has not been adequately demonstrated that their long term future would not be compromised by the development.

Impact on residential amenity

- 10.10 The proposed residential development is clearly, in use terms, compatible with nearby residential properties. The application site is bounded by highways to three sides with a ginnel aligning its remaining boundary. Accordingly, it is considered that sufficient separation distance exists between the proposal and existing residential properties to ensure that no undue overlooking, overshadowing or dominance impacts will arise for those occupiers. However, it is to be recognised that a development has the potential to not only impact on its surroundings and the

occupants of houses adjacent to the site but through poor design fail to provide the future occupants of the development with a satisfactory standard of accommodation in terms of outlook and usable private outdoor amenity space.

- 10.11 The City Council's residential design guide includes a schedule of minimum separation distances from window aspects to avoid issues of overlooking, overshadowing or overbearing. Typically, a living/dining room window requires a minimum distance of 10.5m to a property boundary and it is considered that the stated dimensions on plan broadly adhere to this advice. Shortfalls do exist but these are where rear boundaries are splayed and not significantly harmful to outlook. However, there is concern that due to the topography of the site the proposal will involve steep graded gardens, terracing of levels or high retaining structures which when combined with boundary fencing will form significant screens to the outlook from rear aspect windows. The plans indicate that a level difference in the region of 2m between some plots is anticipated.
- 10.12 The proposed dwellings will each have garden areas to the rear and the applicant has calculated the overall private external amenity provision on this basis. Generally, the private amenity provision should be a minimum of 2/3 of the total gross floor area of the dwelling and on the whole, with the exception of the properties fronting Sherburn Road (which fall short at a range of 0.6-1.3sqm) adequate garden space is provided. However, the usability of the private space provided must be taken into account, not just the quantity and taking account of ground level changes across the site and the likely requirement for steep sloping gardens, terracing of levels or retaining structures remains unresolved and concerns that inadequate outdoor private amenity space is to be provided to a number of the plots.
- 10.13 In addition to the provision of reasonable level of outdoor space there is also the need to ensure the internal accommodation being offered is adequate. On this issue the government introduced technical housing standards setting out the minimum quantum of accommodation for dwellings as well as room heights and sizes. The guidance which accompanies this document makes it clear however that local authorities are only permitted to refer to the national standards through the introduction of an appropriate local plan policy. As specified in para. 8.10, the national space standards do not currently form part of the adopted development plan and thus little weight which can be given to it. Nevertheless, it is considered that the house types proposed broadly meet and exceed the stated minimum internal floorspace. Where some of the plots fall short the difference is relatively marginal representing just 2sqm and this shortfall would not amount to a reason to refuse the proposal.

Highways implications

- 10.14 The application site is located within an established residential area and future occupiers would have good access to the shopping and community facilities and general amenities situated nearby as well as access to existing bus services.
- 10.15 The proposed development is bordered by Sledmere Place, Sherburn Road and Stanks Drive and access to the development is served by either individual in-curtilage drives (to front and side) or via an access road off Stanks Drive which leads to a centrally positioned parking court (8 spaces). Overall, it is considered that an adequate level of off-street parking is provided, however, the spaces within the parking court would not be overlooked by the occupiers (due to ground level changes and high rear boundary fencing) and the attractiveness and day-to-day usability of this area is doubted with the result that occupiers and visitors to those

dwellings reliant on the parking court will simply park on-street as it is the most convenient location where their vehicles can be observed. Such a situation is not considered to be in the interests of the free and safe operation of the highway and accordingly officers consider it entirely reasonable for the site's parking arrangements to be revisited.

- 10.16 The proposed dwellings have individual bin storage facilities with the dwellings reliant on wheeling bins out through the rear (via the parking court) will utilise a collection point situated to the end of the internal access road. Details of the refuse collection however remain unresolved. Owing to the compact parking layout plots 4, 7, 8 and 11 would be unable to wheel a bin out into the parking court if cars were parked in the spaces and this will ultimately lead to bins being alternatively sited at the front of these dwellings. The proposed reversing of a bin wagon into the site is also far from ideal and the size of the vehicle indicated on plan is smaller than currently used by the Council's refuse teams. Ultimately, if the bin arrangements are not convenient or practical the occupier will simply store bins to the front to the detriment of the streetscene.
- 10.17 West Yorkshire Combined Authority has requested a contribution is made towards the provision of Residential Metrocards for future occupiers although the scheme only involves 13 dwellings which would fall some way short of the thresholds for the provision of Travel Plan and sustainable transport measures (50 dwellings). Accordingly, given the modest scale of development and that the site is well connected to existing amenities and public transport links (where residents are likely to utilise public transport in any event) it is not considered that such a request could reasonably be justified and the requested provisions have not been sought in this instance.

Greenspace

- 10.18 By virtue of the scale of development (in excess of 10 units) the proposal is required to make provision for greenspace enhancements. The Core Strategy does however recognise that not every development site is capable of accommodating the required greenspace within the site boundary and advises that in certain circumstances, and taking into account the characteristics of the site, it may be possible to provide new greenspace or improvements to existing greenspace off-site in lieu of on-site provision (generating a sum of £48,579). Such improvements could be secured through s106 agreement although given the officer concerns with the development proposal this work has not been progressed. A separate reason for refusal relating to this matter is therefore advanced but can clearly be resolved by the application through the submission of an appropriate legal agreement if required e.g. as part of any appeal.

Sustainability

- 10.19 The applicant advises that the design and construction method adopted will have high sustainability credentials and details of such an approach could be adequately covered by a planning condition seeking full details on how the development achieves the Core Strategy's carbon dioxide reductions and energy needs.

Flood risk and drainage

- 10.20 In regard to the flood risk and drainage, the application site lies outside any identified flood risk zone and it is considered appropriate planning conditions could be imposed to secure details of the surface water drainage scheme (which will consider

infiltration drainage and sustainable drainage methods). On this basis, Yorkshire Water and the Flood Risk Management officer raise no objection.

Land contamination

- 10.21 In respect of land contamination matters, officers have reviewed the submitted Phase 1 desk study report accompanying the application which recommends that a Phase 2 site investigation is carried out and contamination officers are content that such additional work could be secured through an appropriately worded planning condition.

Community Infrastructure Levy (CIL)

- 10.22 CIL was adopted by Full Council on the 12th November 2014 and was implemented on the 6th April 2015. The application site is located within Zone 2a, where the liability for residential development is set at the rate of £23 per square metre (plus the yearly BCIS index). Based upon the floorspace involved a contribution of £26,358 is generated. This information is not material to the planning decision and is provided for Panel Member's information only.

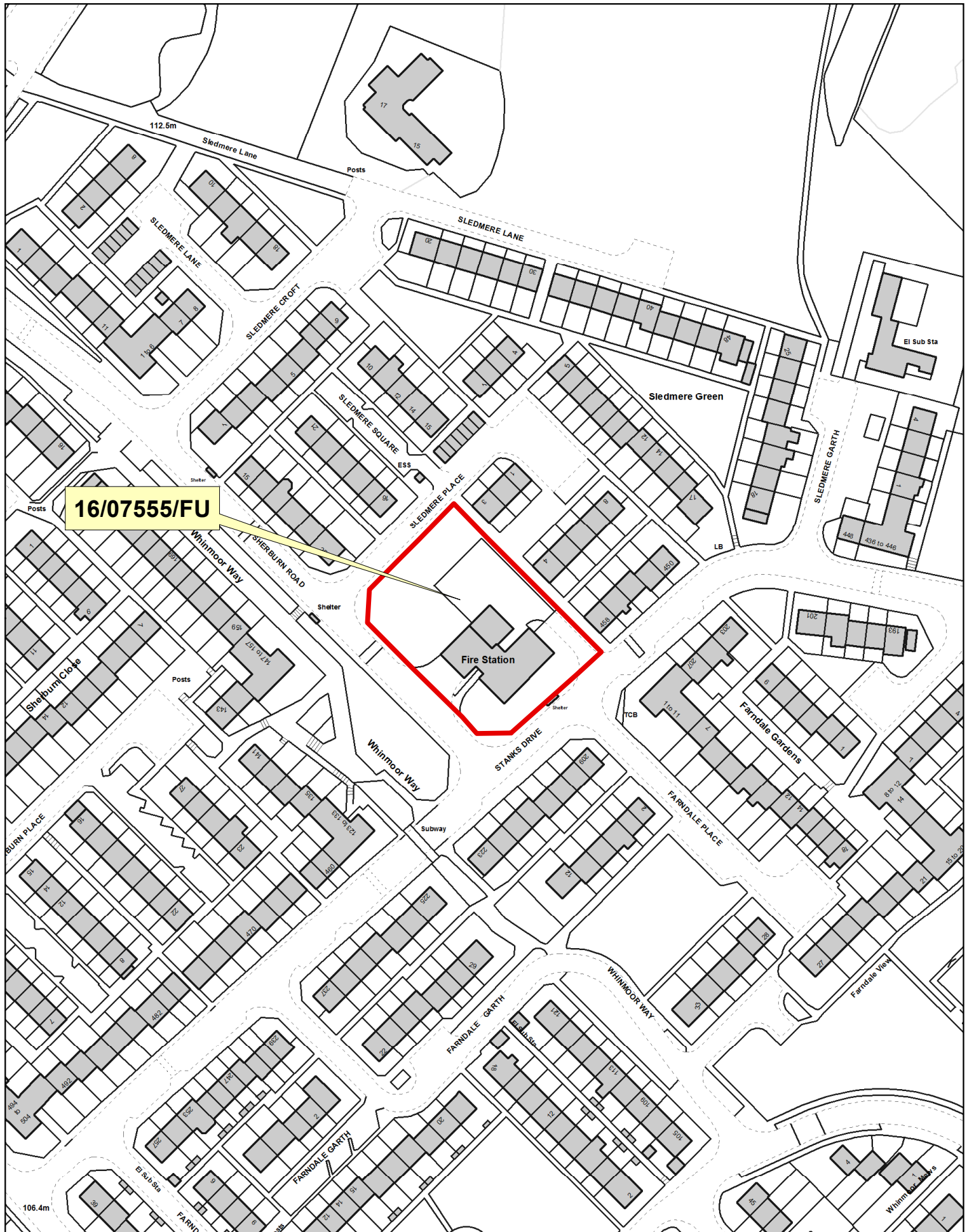
11.0 CONCLUSION

- 11.1 The principle of developing this site for dwellings is considered acceptable in this location however the amount of development proposed results in a range of conflicts that remain unresolved. Overall, it is considered that the proposal results in an overdevelopment of the site which through the introduction of an internal parking court creates a poor, unwelcoming and insecure environment prejudicial to future occupier amenity and site security. Accordingly, this proposal is recommended for refusal.

Background Papers:

Application and history files.

Certificate of Ownership signed by the appointed planning agent on behalf of the applicant dated 25th November 2016.



NORTH AND EAST PLANS PANEL

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SCALE : 1/1500



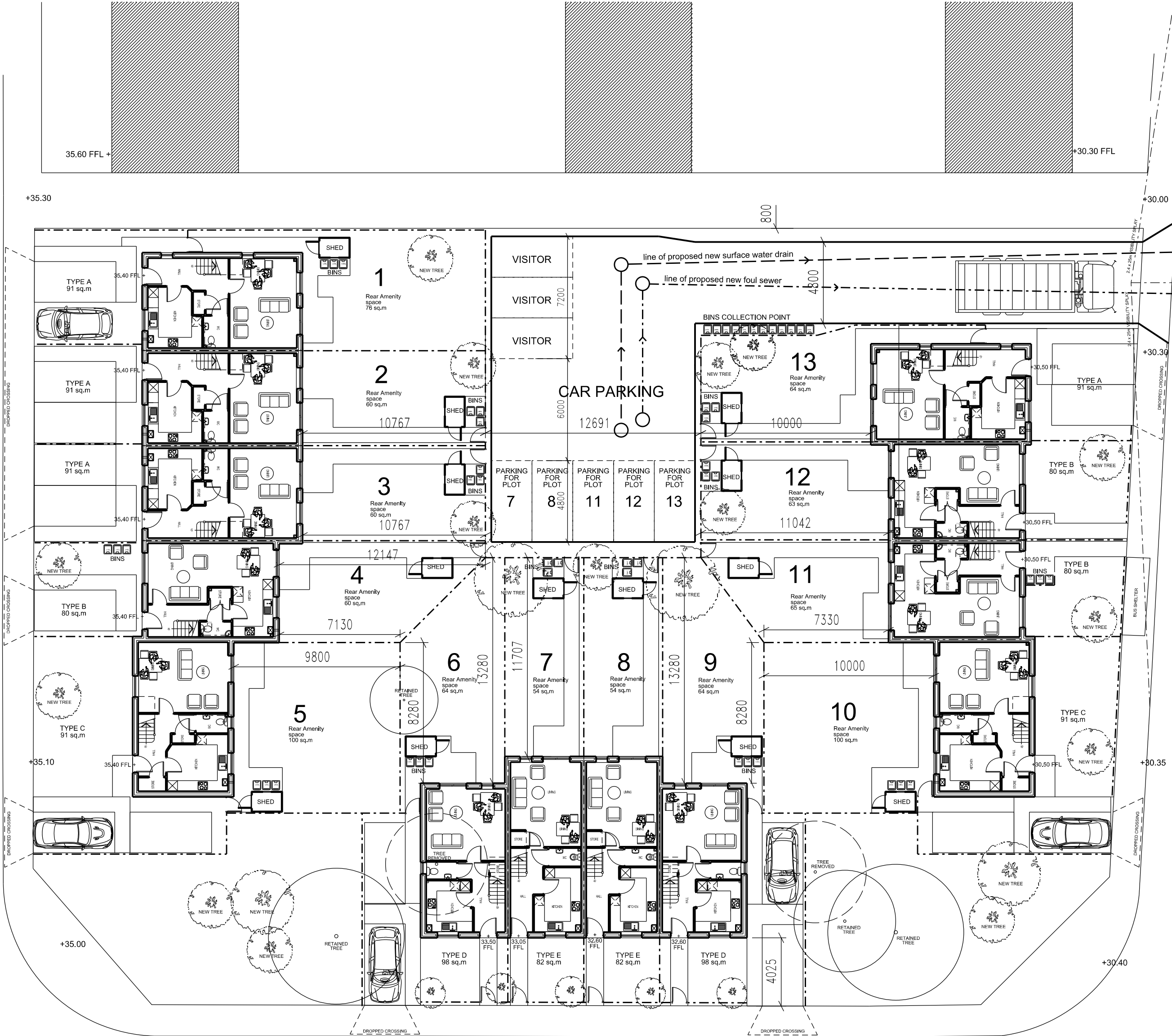
DO NOT SCALE

NOTE:
ALL DIMENSIONS/LEVELS
TO BE VERIFIED ON SITE
PRIOR TO COMMENCEMENT

SLEDMERE PLACE

STANKS DRIVE

SHERBURN ROAD



Note:
Connections to existing
foul and surface water
drains. Final positions
to be agreed

Revision J

PROPOSED SITE LAYOUT
SCALE - 1:100 @ A0 - 1:200 @ A2