



**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**Date: 19<sup>th</sup> June 2014**

**Subject: APPLICATION: 14/01679/FU – Change of use of two dwellings to an education centre at 1-3 Sandhurst Avenue, Leeds LS8 3QT.**

**APPLICANT**

Afgan Community Alfalah

**DATE VALID**

20<sup>th</sup> March, 2014

**TARGET DATE**

15<sup>th</sup> May, 2014

**Electoral Wards Affected:**

**Gipton and Harehills**

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION: GRANT PERMISSION subject to the following conditions:**

1. Time limit on permission
2. Plans schedule
3. Restriction within of Use Class
4. Hours of use restrictions
5. Class size restrictions
6. Laying out of vehicle areas
7. Implementation of cycle parking
8. Details of boundary treatment/levels/materials
9. Internal works Implementation and no further alterations
10. No outdoor classes/activities

Full conditions (including any amendments/additions) to be deferred and delegated to the Chief Planning Officer

**1.0 INTRODUCTION:**

- 1.1 This planning application is presented to Plans Panel due to the level of representations that have been received and also because of the proposed use in terms of its potential impact on surrounding residents.

## **2.0 PROPOSAL:**

- 2.1 The proposal is to change the use of two vacant semi-detached houses to form a Education Centre for the Afgan community. The proposal includes a number of internal alterations to form 2 classrooms; 3 meeting rooms / libraries; office; computer room; kitchen; storeroom; toilets and a bedroom for a live-in caretaker. Externally, it is proposed to lay out a 5 bay parking area to the rear of the site together with bin stores and cycle stores serves via the side driveway associated with No. 1.
- 2.2 The applicant has provided the following additional information regarding the intended use of the site:
- After school supplementary classes for children aged between 5 – 16 years old.
  - Classes to be held between 1600 and 1800 hours Monday to Friday; and between 1100 and 1300 hours during school holidays. Class sizes to a maximum of 12 children per class.
  - Individual meeting place for men and women on a Saturday from 0900 to 1900 hours. Group size to be no more than 15.
  - Residential accommodation for a resident caretaker
- 2.3 In addition, the applicant is willing to accept the suggested conditions and has clarified that the proposal will not include the buildings use as a mosque or for large gatherings such as weddings and funerals. The submission also includes a petition style letter of support containing 150 signatures.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site is situated to the east side of Sandhurst Avenue and comprises of a vacant pair of mature semi-detached houses constructed in brick with a rendered finish to the side gables and a tiled “dutch barn” style roof. There is a shallow front garden to each of the two houses with a relatively long rear garden. No.3 has a 1.8m high wooden fence abutting the public footpath and to its southern boundary forward of the front elevation of the house. A similar fence extends beyond the rear elevation enclosing a small proportion of its rear curtilage. There is a privet hedge to the front boundary of No.1 and includes vehicle access off Sandhurst Avenue through iron gates. These lead to a driveway to the north of the dwelling extending to the rear garden where a hard-standing remains from what appears to have previously supported a detached garage. There is a mature hedge to the northern boundary of No.1. The eastern boundary of the site comprises a breeze block wall and informal landscape planting. There is a small lean to extension to the rear elevation of No.3. The rear gardens are largely unkempt and overgrown with grass.
- 3.2 There are currently some building materials in the garden to No.1 (breeze blocks) and it has been confirmed these are the result of removing the ground floor wall which separates the two properties.
- 3.3 The layout of the houses on this side of Sandhurst Avenue has an unusual staggered pattern with Nos. 1/3 and 9/11 being sited to form a nominal building line much closer to the public footpath than Nos. 5/7 which are set further back into the site.
- 3.4 The land to the north of the site is used for allotments with the remainder of the site being adjacent to housing. The area is residential in character predominantly comprising Victorian terraces and back-to-back houses to the west and semi-detached houses to the east. Nos. 5/7 have however been granted permission to

convert into a similar use as that currently proposed (albeit the conversion does not appear to have fully taken place yet).

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 12/03342/FU – COU of two dwellings to educational and community centre. Withdrawn dated 26 September, 2012.
- 4.2 12/01248/FU (Relating to Nos. 5/7) – COU of two dwellings to religious educational centre. Permission Granted 5 August, 2011.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 As can be seen from the planning history section above, the scheme is a revised proposal of the 2012 application that was subsequently withdrawn following previous officer advice that the application could not be supported. The current proposal has therefore been revised to take on-board officers concerns, particularly about the open plan nature of the original layout and in turn the ability for the building to be used to hold larger gathering/events. Smaller rooms are now proposed and the applicant has confirmed that a mosque use is not intended (as this was also one of the concerns expressed about the original application).

#### **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application was publicised by site notices posted adjacent to the site dated 11 April 2014.
- 6.2 15 individual letters of objection have been received from local residents in addition to a petition containing 167 signatures. The main grounds of the objections relate to:
- The Afgan Community does not live close by consequently many will arrive by car resulting in traffic congestion, parking problems and general noise disturbance.
  - The area is already well served by community and education facilities.
  - Unauthorised works in breach of planning regulations have taken place on the building and an Eid Prayer meeting took place at the site in October 2013.
  - Lack of notification of the application process.

#### **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Statutory:

None

- 7.2 Non-statutory:

Neighbourhoods and Housing – initial concerns relating to the cumulative impact of two similar uses in such close proximity to each other with the propensity for noise disturbance for local residents, although it is noted the adjacent site has yet to implement the permission. Providing conditions are imposed similar to those of the adjacent site relating to class sizes, hours of use, and no outdoor activities no objection is raised to the proposed development.

Highway Development Services – highway officers comment that the parking layout requires amendments to achieve appropriate turning dimensions. Officers consider however, that on balance, and given the nature of the surrounding area and the modest scale of the proposal it would be difficult to substantiate a highways reason for refusal. Subject to appropriate conditions restricting times and class sizes the application is not objected to in principle.

## **8.0 PLANNING POLICIES:**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste DPD.

### Local Planning Policy

8.2 The site is has no specific allocation under the Leeds UDP Review (2006) but is identified within a broader area for regeneration initiatives under Policy R1.

### Leeds UDPR Relevant Policies:

8.3 The following policies are nevertheless considered to be of relevance.

GP5: Seeks to resolve all general planning considerations.

N25: Relates to the retention and use of appropriate boundary treatments.

T2: Concerns highway safety matters

T24: Sets out the Council's general parking guidelines for all types of development.

A1: Promotes the retention off and provision of community facilities.

### Supplementary Planning Guidance / Documents:

8.4 SPD Street Design Guide (adopted).

### Emerging Local Development Framework Core Strategy

8.5 The Core Strategy was submitted to the Secretary of State for Communities and Local Government on 23rd April 2013. The Secretary of State appointed a Planning Inspector to conduct the examination of the plan which commenced has now taken place. The Inspector's final report is awaited. At this stage the only issues which the Inspector has raised concerning the soundness of the plan relate to the affordable housing policy and the Council's evidence on Gypsies and Travellers. As the Core Strategy has been the subject of independent examination (October 2013) and its policies attract significant weight, albeit limited by the fact that the policies have been objected to and the Inspector's Report has yet to be received.

### National Planning Policy Framework

8.6 This document sets out the Government's overarching planning policies. There is a strong presumption in favour of sustainable development.

## **9.0 MAIN ISSUES**

1. Principle of the development
2. Residential amenity considerations
3. Highway Safety issues

## 10.0 APPRAISAL

### Principle of the development

- 10.1 The proposed use is primarily to provide supplementary out of hours schooling for children from the Afghan community although some additional community activities are also expected (e.g. group meetings). A change of use from residential (Class C3 Town and Country Planning Use Classes (Order) 2010) to a non-residential institution (Class D1) is therefore proposed. In terms of the general acceptability of these types of uses, it is common for them to be located in residential areas as they are normally established to serve the local community. This is also understood to be the case here and whilst the Afghan community is relatively small, no objection is raised to the general introduction of the use into this particular residential setting providing more detailed considerations relating to residential amenity, highway safety and visual impact are adequately resolved. Indeed, the same approach has already been followed and accepted for the adjacent pair of semi-detached properties as received planning permission was granted in 2012 for a similar use and was not subject to any adverse representations.
- 10.2 In addition to the above, the proposed change of use clearly involves the loss of two houses from the local area which runs counter to the Council's requirement to deliver additional housing. Officers are mindful of this general point and ordinarily the loss of existing serviceable housing stock would be resisted, however in this situation a community facility is proposed to serve the needs of local residents. In this respect whilst the loss of units from the overall housing stock is regrettable, the community benefits associated with improved local facilities is considered to outweigh any impact on housing numbers and can therefore be supported in this instance.

### Residential amenity considerations

- 10.3 As discussed above, educational uses are frequently located in a residential setting and this is the case here. Consequently it is appropriate for residential amenity considerations to be given due regard.
- 10.4 The applicant has outlined the basic scale and operation of the proposed use and also amended the layout as part of this new application following concerns about the acceptability of the earlier proposal. Officers from Neighbourhoods and Housing have also considered the proposal in the light of the additional details provided. On the basis the new proposal is basically of the same scale and nature as the use already accepted next door which itself was amended and conditioned to ensure it remains sensitive to its residential setting, no objection is raised subject to the same restrictions being applied.
- 10.5 In addition to the above, officers are mindful the site abuts allotments to the north and a similar use to the immediate neighbouring properties to the south. These weigh in favour of the proposal and in accordance with the advice provided from colleagues in Neighbourhoods and Housing the proposed change of use can be accepted from a

residential amenity perspective subject to conditions which are essentially designed to ensure the use remains relatively low key.

### Highway Safety issues

- 10.6 Subject to minor amendments to the parking layout which can be adequately secured by condition, the number of parking spaces is considered to be sufficient to cater for staff/tutors and a caretaker. The applicant envisages that students will walk or cycle to the centre and even if car journeys are generated by the proposals they are likely to consist in the majority of a drop-off/pick up activity rather than long stay parking. Highway Officers consider therefore that the level of parking is appropriate to the use given that it is primarily to provide a facility for children from the local community who are likely to arrive on foot or by cycle. Officers have visited the site at various times of the day and have not witnessed a short fall of parking provision in the area. As such the proposed development would not result in prejudicing the interests of highway safety for pedestrians and other road users alike.

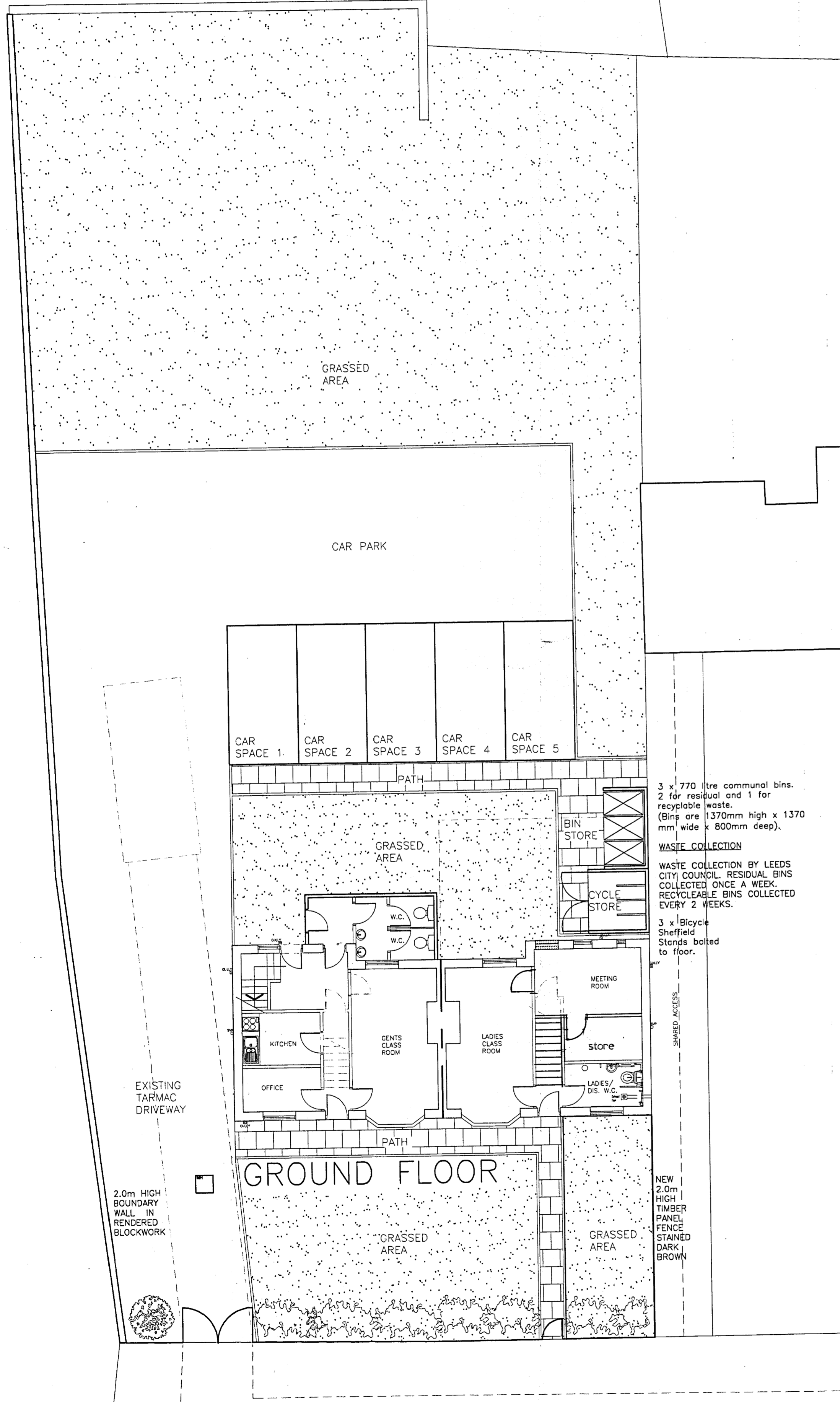
## **11.0 CONCLUSION**

- 11.1 The proposed development is considered to be sound in principle as the loss of two residential properties to a community use is not considered to amount to a reason for refusal in its own right. The proposals are not considered to raise any serious amenity issues for nearby residents or prejudice the interests of highway safety consequently the application is recommended for approval subject to the specified conditions.

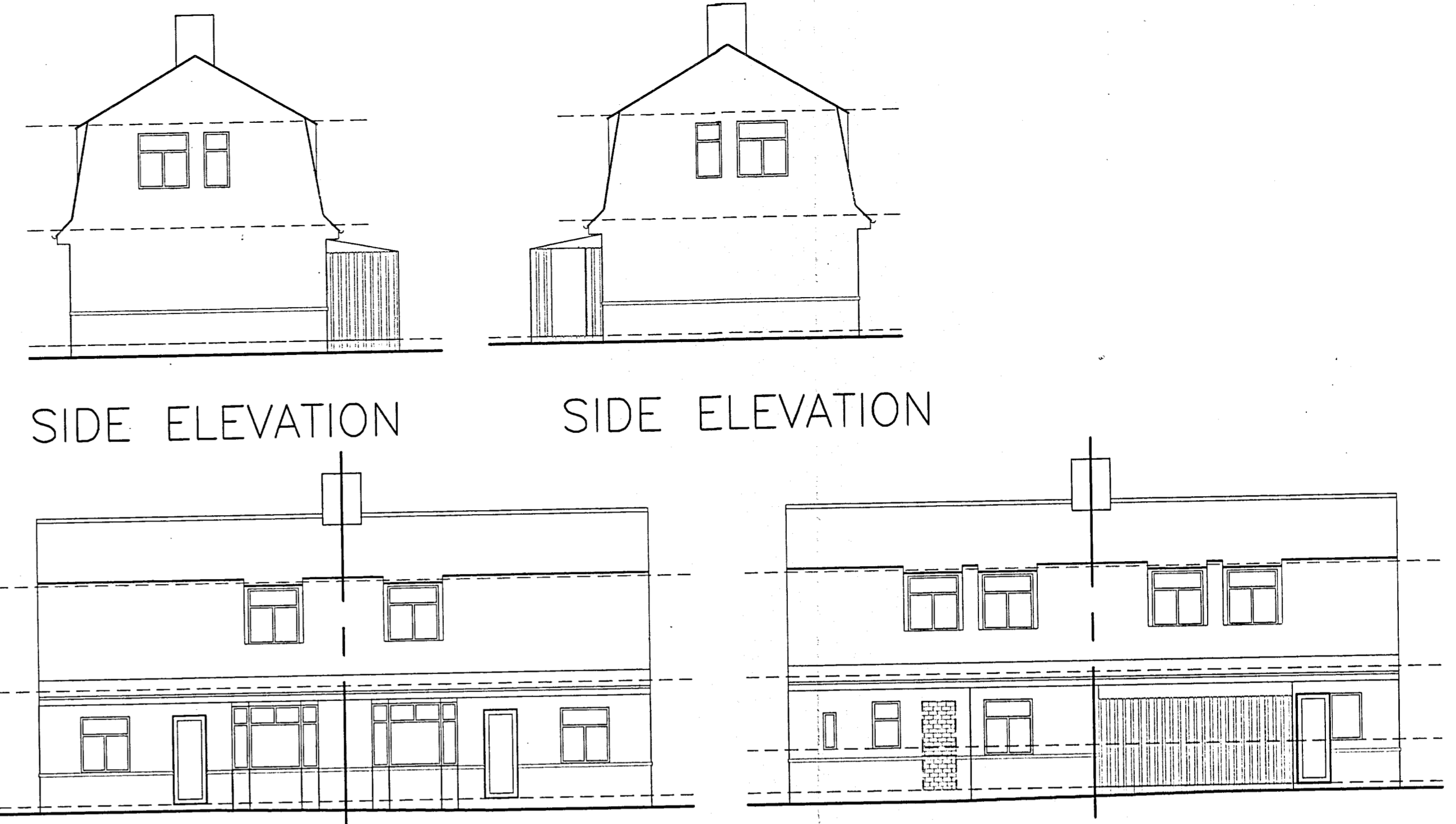
### **BACKGROUND PAPERS:**

File: 14/01679/FU

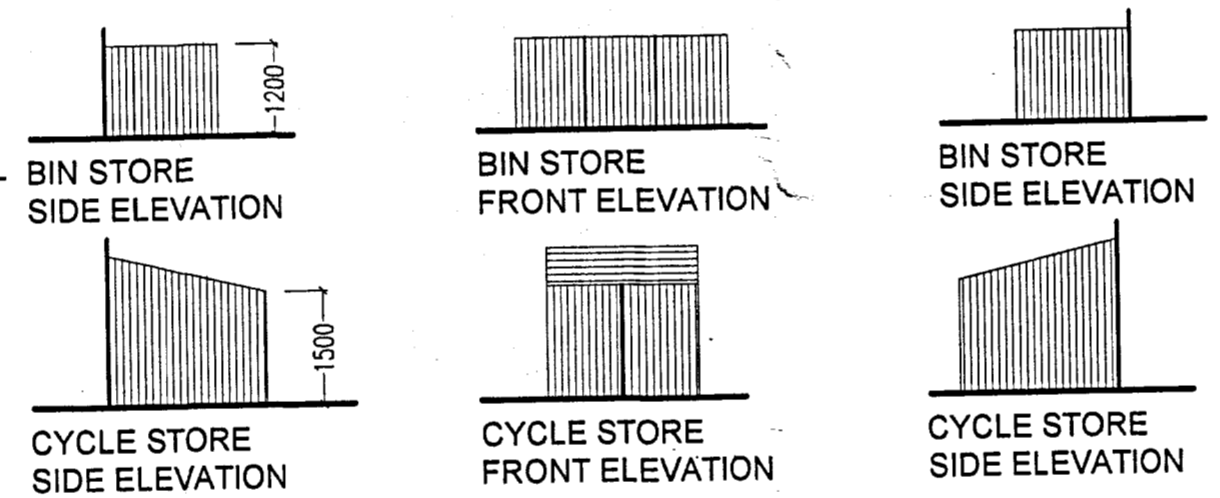
Certificate of Ownership A signed on behalf of the applicant.



SITE LAYOUT 1:100



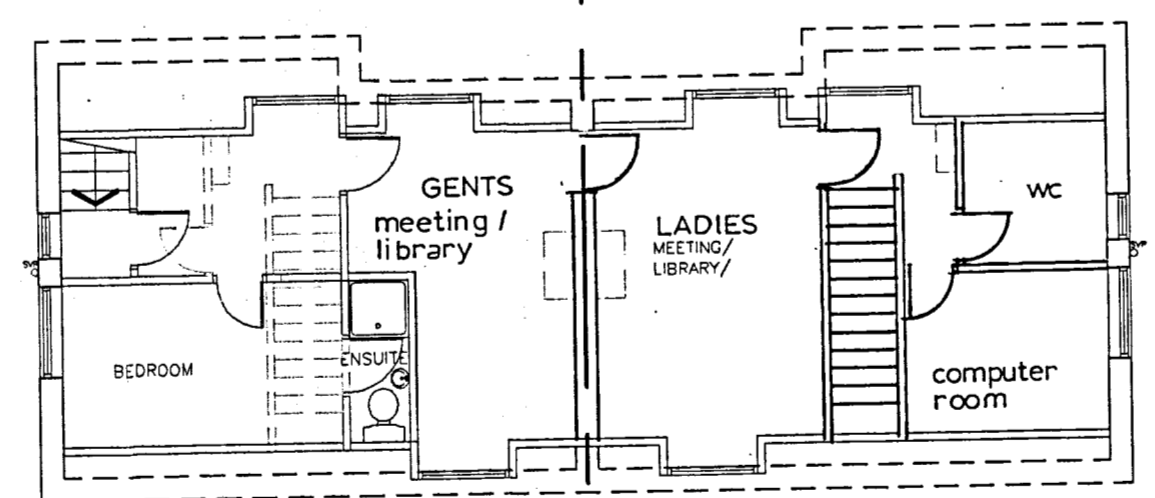
SIDE ELEVATION      SIDE ELEVATION  
 FRONT ELEVATION      REAR ELEVATION  
**PROPOSED ELEVATIONS 1:100**



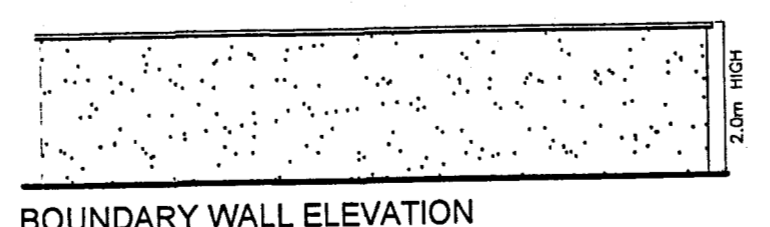
**BIN/CYCLE STORE 1:100**

**BIN STORE:**  
 BINS TO BE ENCLOSED IN 1.2m HIGH TIMBER ENCLOSURE COMPRISING OF 100x100mm TREATED TIMBER CORNER AND INTERMEDIATE POSTS LINED WITH 100x19mm THICK TIMBER RAILS FIXED TO POSTS. 2No. MATCHING TIMBER HINGED DOORS TO BE PROVIDED. POSTS, RAILS & GATES TO BE STAINED IN DARK BROWN.

**CYCLE STORE:**  
 AS BIN STORE EXCEPT ROOF TO BE SLOPING FELT ROOF. STORE TO COMPRISE 100x100mm TREATED TIMBER CORNER AND INTERMEDIATE POSTS LINED WITH 100x19mm THICK TIMBER RAILS FIXED TO POSTS. 2No. MATCHING TIMBER HINGED DOORS TO BE PROVIDED. POSTS, RAILS & GATES TO BE STAINED IN DARK BROWN.



FIRST FLOOR  
**FIRST FLOOR PLAN 1:100**



BOUNDARY WALL ELEVATION  
**TYPICAL BOUNDARY WALL ELEVATION 1:100**

REVISIONS	DATE

**NOTE:**  
 The contractor is to check and verify all building and site dimensions, levels and sewer invert levels at connection points before works commence.  
 All drawings must be read with and checked against any structural or other specialist drawings provided.  
 All works to comply with British Standards, Codes of Practice, current Building Regulations and carried out to the satisfaction of Building Inspector. All materials to comply with the relevant British Standards

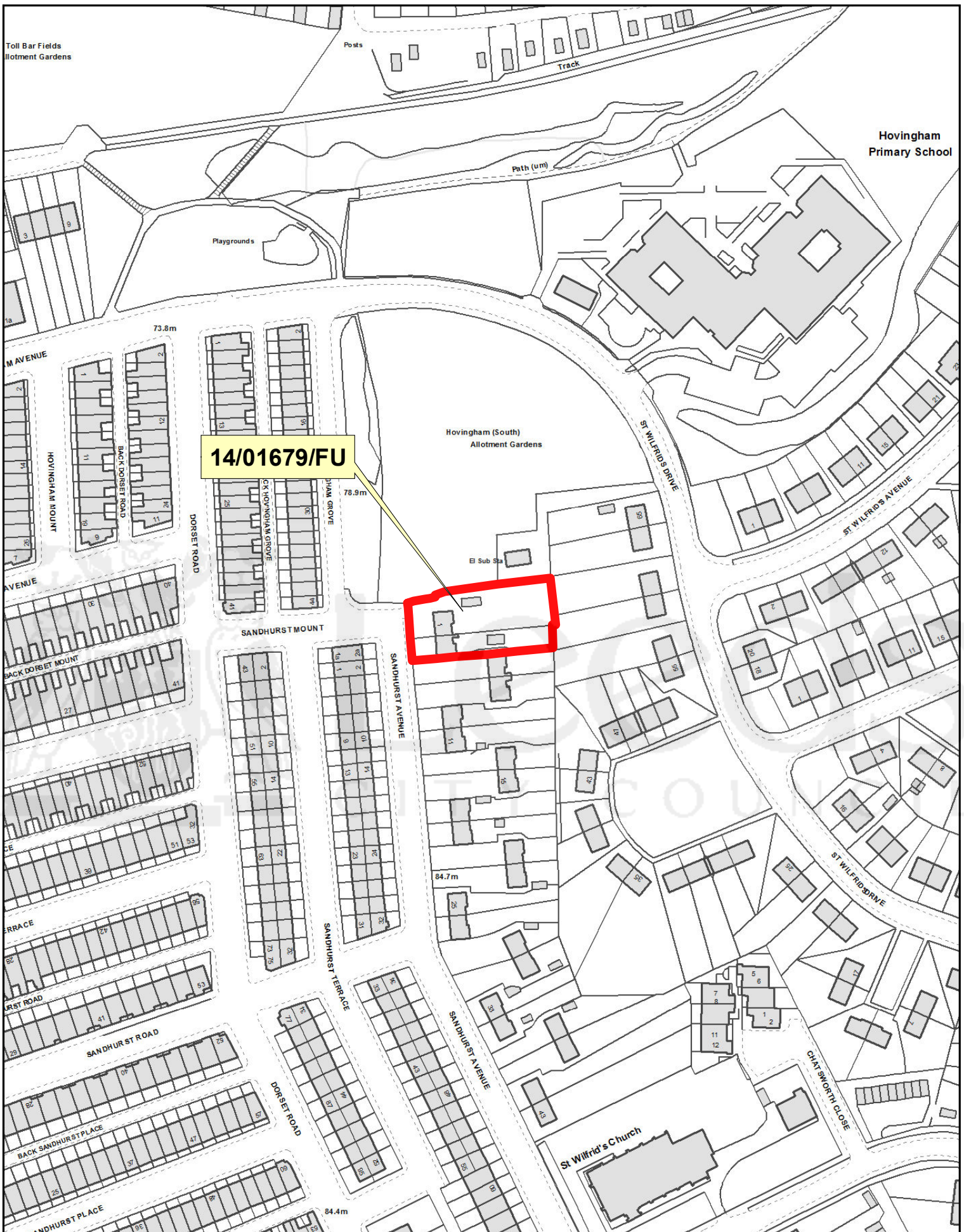
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CLIENT  
 LEEDS AFGAN EDUCATION CENTRE

PROJECT  
 1-3 SANDHURST AVENUE  
 LEEDS  
 LS8 3QT

DRAWING TITLE  
 PROPOSED FLOOR PLANS & ELEVATIONS

SCALE AS SHOWN	DRAWING No. 1879-02
DATE MAY 2012	A
SHEET A1	



14/01679/FU

# NORTH AND EAST PLANS PANEL

