



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 18th June 2014

Subject: 13/02412/FU Erection of new Islamic Centre at 58-62 Francis Street, Chapeltown

APPLICANT
Mr Jahangir Khan
Dawat – E - Islami

DATE VALID
27 June 2013

TARGET DATE
26th June 2014 (Extension Agreed)

Electoral Wards Affected:

Chapel Allerton

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 Standard commencement time limit
- 2 List of drawings relevant to approval
- 3 Materials
- 4 Implementation of Road Traffic Order required under Sec106 prior to first use of the centre
- 5 Submission of and implementation of landscaping scheme
- 6 All windows in eastern elevation to be obscurely glazed and non-opening.
- 7 Provision and laying-out of car parking facilities prior to first use
- 8 Submission of air-conditioning, fume extraction and ventilation equipment prior to commencement of development on site and their subsequent implementation in accordance with those approved details.
- 9 Occupation of caretakers quarters only in connection with approved use as an Islamic centre.
- 10 Hours of operation restricted to:
08:00-23:00 hours on any day, except for special festivals which have previously notified to the LPA. (Excluding occupation by the resident Imam).
- 11 No Amplification equipment to be used except for in the main hall and only between the hours of 09:00 and 20:00 on any day.

- 12 Construction activities, including site clearance and demolition restricted to 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays with no construction activity on Sunday's and bank Holiday's.
- 13 Submission of Statement of Construction method including details of how, the prevention of mud, grit and dirt onto the public highway, the control of emissions and dust, and how the statement of construction methodology will be made publicly available.
- 14 Details of proposed means of sound insulation design to protect the amenity of existing and nearby resident from noise emitted from the building to be submitted prior to construction work commencing on site.
- 15 Details of waste collection provision
- 16 Details of any fume extraction facilities to extract cooking odours, and or to vent the heating system to be submitted for approval prior to commencement of development.

1.0 INTRODUCTION

- 1.1 This application is brought to Plans Panel by officers as it is considered to raise issues of concern relating to the scale of the development and the potential impact that the development may perceive to have on the amenities of occupiers of surrounding residential properties.

2.0 PROPOSAL

- 2.1 Seeks to demolish what is left of the former night club building that occupied the site known as 58-62 Francis Street and erect a new Islamic Centre. This development whilst a single building will be consist of a two/three storey building form in a circular footprint on the Francis Street frontage and a rectangular styled building to the rear connecting with the front part of the building with a first floor connecting walkway link fronting Hamilton Place and Frankland Grove. The main part of the proposed centre which will front Francis Street, is best described as designed in a traditional Islamic form: Tall vertical fenestration detail in a circular based structure, with a domed roof and a minaret located on that part of the building that is nearest the corner of Francis Street and Hamilton Place. The height of the building at this point from ground level is as follows:

Main part of building: 9 Metres

To top of Dome: 12 Metres (excluding the crescent moon symbol).

To top of minaret 17.5 Metres (excluding the crescent moon symbol).

- 2.2 The rear of the building, that part which is visible from Hamilton Place and Frankland Grove is much simpler in design terms and is proposed to house the classrooms associated with the educational function of the Islamic centre. This is a much more simplistic and box-like and consists of six rooms supported at first floor level to provide under croft car parking. The proposal seeks to connect this part of the building to the main part of the building by a narrow connecting corridor at first floor level. The side elevations of this part of the building are proposed set in from the common boundaries on each side by some 4.5 metres.
- 2.3 The under croft car park will provide 10 off street car parking spaces one of which is proposed as a disabled space. The access to this under croft parking area will be secured by railings and gates which allow security and surveillance simultaneously.

- 2.4 The applicants have not specified particular hours of use however it is suggested through the report that hours of use be restricted to 23:00 hours on any day (except for occupation by the resident Imam), and that a notification system be condition so that the community can notify the LPA as to when their special festivals are going to occur such as Ramadan and Eid, and then for the duration of those festivals, and those festivals only, the late night use restriction will be relaxed.
- 2.5 The applicants have indicated the following likely hours of opening, (with the special festivals showing the 'worst case scenario' when they fall during the summer months as they do presently):

Usage - Summer Months
Opening Time 8.30am
Activities Commencement 11.00am
Finish time 11.00pm
Closing time 11.30pm

Usage – Fasting Month of Ramadan (Summer Months)
Start Time 7.30am
Finish time 12.30pm

Eid-ul-Fitr (the "Festival of the Breaking of the Fast" – 3 days)
Occurs on the first day of the month following the end of fasting month (Ramadan).
Start Time 7.30am
Finish time 12.30pm

Eid-ul-Adha (the "Feast of Sacrifice" – 4 days)
Occurs two months and ten days after 'Eid al-Fitr.
Start Time 7.30am
Finish time 12.30pm

Other Occasions
There are five other festivals (1 or 2 days each) during the year which during the summer months will again be finished by 12:30pm.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is presently in a state of dereliction having housed a Victorian building which was last used as a night club. The site slopes from the Francis Street frontage down towards Frankland Grove along the Hamilton Place frontage. The site is located in a predominantly residential area and shares a common boundary with residential properties that front Francis Street, and Frankland Grove. Other residential properties exist opposite the site on Francis Street, Hamilton Place and Frankland Grove. Other uses exist in the wider area including other community type uses, some limited commercial and another Islamic Centre at Spencer Place to the east of the application site.
- 3.2 The streets surrounding the application site are characterised by two storey brick built residential properties. Limited three storey flatted style development exists nearby also. However the surrounding scale of development is predominantly two storey and domestic in scale.

4.0 RELEVANT PLANNING HISTORY:

4.1 None relating to this site, however Member may be aware that there is presently a current application for the provision of a new building on the site of The Leeds Islamic Centre which is based in Spencer Place and to which many of the letters of objection to this application make reference to. That application is intended to be reported to a future Plans Panel meeting.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The application was originally submitted with a larger rear projection than that which is now reduced in scale. The impact that such a large structure would have had on the amenities of occupiers of nearby properties was a major concern. Also the closer relationship between the very traditional Islamic Architecture of the main part of the building and the more simplistic less ornate form of the rear structure caused an unacceptable juxtaposition of architectural styles which did not work in street scene terms.

5.2 The original submission also had a roof access which was “fenced off” to allow access and use of the whole of the roof of the rear part of the building. This was a major concern in respect of potential loss of privacy for occupiers of nearby residential properties, particularly those in Frankland Grove.

5.3 These concerns were raised with the applicants and they were advised to remove the roof access completely, to scale down the rear part of the development and to include where necessary obscure glazed windows. They were advised that a slimmer link between the two parts of the development would allow a visual break in the whole structure which would not only help reduce its impact as a single structure in the street scene but would also allow a visual break in the architectural styles which would help them to sit much more comfortably together. The applicants were also advised that they would be required to fund and implement a Traffic Regulation Order to facilitate the minimisation of the impact of their development scheme on the immediate highway network.

5.4 The submitted amended drawings are now the subject of this report and a unilateral undertaking under Section 106 of the Town and Country Planning Act has been received and verified by the Councils Legal Services in relation to the required Traffic Regulation Order.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised by site notice and newspaper advert. Time to comment to this initial phase of consultation expired on 8th August 2013. Following the public consultation 31 individual letters of objection have been received seven of which are standardised letters with different signatories attached to them. In addition a 12 page petition has been submitted containing 205 signatures.

6.2 A second petition has been submitted which contains 213 signatures and is in “full support for the New Islamic Centre proposed at Francis Street”. In addition 389 letters of support have been submitted each of which follow one of three standardised template type letters with different signatories attached to them.

6.3 Following the submission of revised drawings 14 letters of objection were received in response to those. A period of 14 days was given in this second round of public consultation which expired on 7th November 2013.

Issued Raised:

Against:

- Car parking is inadequate.
- Noise, including:
 - Noise caused by slamming the car doors.
 - Noise caused by large volumes of people.
- Close proximity to existing mosque facility.
- Double parking on the street.
- Car parking particularly on Fridays causes inconvenience for existing residents including access to their own properties.
- The surrounding land uses are predominantly residential in nature and it is a quiet area and the roads are not able to deal with the current levels of traffic.
- Creating unneeded disharmony within the community.
- Is there a need for a further mosque/Islamic centre?
- Proposed building will dominate the area as it is considerably larger than the previous building.
- The majority of people who attend the existing mosque do not live in this surrounding streets and leave litter.
- In an emergency police, fire brigade and ambulances struggle to navigate the streets.
- Notwithstanding the applicant's claim that the mosque will serve the community it is claimed that other religions/faiths are not welcomed there.
- Danger to users of existing highway particularly pedestrians and mothers pushing prams and pushchairs having to use the carriageway due to parked cars mounting the pavement.
- Most local residents are Anglican, Methodist, catholic and/or church of God and therefore there is no need for an additional mosque in the area,
- Vulnerable members of society such as the elderly and people registered as needing help, care and assistance will have more restrictions due to limited access to their properties by emergency services and health staff.
- Reduction in property values.
- Right of light.
- Quality of life.
- Safety of children living in the location.
- Lack of consultation prior to the submission of the application.
- Inadequate car parking provision.
- Unauthorised demolition of a listed building.
- Visually the building is a monstrosity.
- The proposed development is overbearing, out of scale and out of character in terms of its appearance compared with the existing developments within the vicinity.
- Will have a negative impact on the neighbourhood's character.
- Loss of privacy.
- Negative impact on local small companies and their ability to operate efficiently.

Comments made in support of the application are:

- A great source of Islamic knowledge for local people and the non-Muslim community in the interests of understanding and harmony.
- Close to where people live meaning the car can be left at home and attendees walk there.
- Modern style of the building.
- A great improvement to the area.
- There is a need for something like this here.
- Removal of an old derelict buildings and replaced with a state-of-the-art education centre with a dedicated IT suite and library facility.
- Designed primarily to deliver desperately needed education facilities with its secondary use being that of a place of worship.
- The teaching at the centre not only be Islamic but will include maths, English and IT classes free and open to all.
- Surely if planning permission can be granted for a “nightclub” which results in drug and alcohol problems then an education centre is a much better option.
- It will provide a unique facility serving the local people.
- the education/community Centre will promote peace and community cohesion,
- The facility will cater for local people and will release pressure from other local mosques.
- Previous building was an eyesore.
- Existing facilities for the local community are stretched beyond their current capacity.
- The new centre will offer facilities for ladies, children, and young people in the heart of the community.

Comments received following submission of amended drawings:

- Building is still going to be much larger than the original building and will therefore dominate the area.
- A building this size should not be built in the middle of a residential area and is totally out of character with that area.
- There is still the problem regarding parking and the increase volume of traffic.
- the existing mosque is still only 100m away and the proposed mosque will still add to the on street car parking problems,
- There will still be a large increase in noise and litter and disruption to the harmony within the community.
- There is no need for another mosque in the same locality.
- Not wanted.
- Alternative the usage of the land such as a multi-storey car park would be a more constructive use and benefit of the community as a whole.
- A similar Islamic centre was rejected in Leeds 17, based on the same objections raised here so this proposal should be rejected likewise.
- There are five Sikh temples three Islamic mosques a Catholic Church a Methodist Church and an Anglican church all in the near vicinity so an additional requirement for a further mosque “beggars belief”.
- No lack of consultation with the community in the Francis Street area.
- Loss of privacy.
- The alterations to the rear part of the building will not alleviate the

problems already experienced and feared.

- Overshadowing of existing residential homes.

6.4 Two letters have also been received from solicitors acting on behalf of the Leeds Islamic Centre. (The premises, referred to in many of the neighbours letters of objection as being in very close proximity to the application site, (some hundred metres or less)). The comments from the solicitors, whilst referring to many of the things also mentioned above, raises their clients concerns in relation to the name of the proposal as the new Islamic centre, alleging that “this will cause inevitable confusion among members of the Islamic community, particularly those who are new to Leeds who may well think that the applicants are the Leeds Islamic centre and not a new organisation.”

7.0 CONSULTATIONS RESPONSES:

7.1 Leeds Civic Trust – Raise concern relating to the location of the proposal vis-à-vis the dense residential development that already exists in the location. Specifically the relationship of the building to the road which allows for little in the way of landscaping to soften the development in the streetscene, The poor design of the rear element of the proposal, and car parking.

7.2 Design Review Panel: Concluded that the building would work better if the two distinct elements of architectural design were separated out more to almost read as two separate buildings. Also the detailing of the rear needed to be amended so that it reflected the detail of the main part of the building, such things as the orientation of the windows being vertical rather than horizontal, The structure as a whole, as originally submitted did not reflect the patterns of the surrounding developments with many of them having space around them. Concern over the undercroft car parking provision.

7.3 Mains Drainage – No objections subject to the imposition of a condition detailing surface water drainage works be imposed.

7.4 Secured By Design – Gives general advice on how the development can be fine-tuned to ensure that crime is not encouraged as a result of the building’s design, location and details on site. Much of this advice is to be forwarded onto the developers should planning permission be granted in order that they can implement it during the Building Regulations stage of the project.

7.5 Highways – Object to the proposal as insufficient off street car parking is proposed, however have commented that if planning permission is granted, then a Traffic Regulation Order should be implemented before to reduce the impact of on street car parking in the immediate vicinity of the development.

7.6 NGT Project Team – No objections and confirmation that no contribution under the relevant SPG will be required as a result of this development.

7.7 Contaminated Land: No objections subject to the imposition of conditions relating to ground contamination survey’s been undertaken prior to the commencement of works on site and the results of those survey’s been submitted for verification to the LPA.

7.8 The Coal Authority: Objects to the proposal until a Coal Recovery Report or Coal Mining Assessment Report/Phase 1 Desk Study Report is submitted which affords due consideration to the potential for prior extraction of remnant shallow coal as part

of this application – this was still awaited at the time of writing this report and an oral update will be given at Plans Panel.

- 7.9 Environmental Protection Team – Objects to the proposal and would Support a refusal of planning permission based on the grounds of potential disturbance to occupiers of surrounding residential properties. However recommendation of suggested conditions relating to construction, Sound insulation, Waste collection details, delivery hours, Fumes extraction facilities, lighting schemes and provision of a grease trap if Plans Panel are minded to grant planning permission have also been included in their response.

8.0 PLANNING POLICIES:

- 8.1 The development plan is the adopted Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Local Plan 1013.

- 8.2 The draft Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State. The Inspector examined the Strategy during October 2013. The weight to be attached is limited where representations have been made. There are no emerging policies that are considered to have any direct bearing on this development proposal.

- 8.4 UDP Policies:

Of the UDP the following policies are considered relevant to this proposal

SG2: seeks to maintain and enhance the character of the district of Leeds;

SG3: seeks to ensure that the legitimate land needs of the community are met;

SG4: seeks to ensure that development is consistent with the principles of sustainable development;

SA1: seeks to secure the highest possible quality of the environment throughout the district, including initiating the renewal and restoration of areas of environment;

SA2: seeks to encourage development in locations that will reduce the need for a travel, promote the use of public transport and other sustainable modes;

SA7: to promote the physical regeneration and reuse of the land and buildings in the urban area and taking account of the needs and aspirations of local communities;

SA8: seeks to ensure that all sections of the community, irrespective of income, disability, age, race, religion, gender, travelling way of life, caring responsibilities or place of residence have safe and easy access to a variety of facilities including places of worship by maintaining and enhancing the current levels of provision in appropriate locations;

GP2; seeks to encourage development on vacant, under-used land or on potential redevelopment sites for which the proposals map indicates no specific proposals favourably;

GP5 seeks to encourage that all development proposals should resolve the detailed planning considerations at the planning application stage;

BD 5: Seeks to ensure that all new buildings are designed with consideration to both their own amenities and the ending of their surroundings.

BD11; where applicable developments must ensure that it meets the same sustainable design principles.

BD12 some: proposals for development should respect fundamental urban design priorities including respecting spaces between buildings, maintaining and where possible the best buildings at the past, new development should respect the

character and scale of buildings and the routes connecting them;

BD13: seeks to ensure that the design of all new buildings should be a high quality and have regard to the character and appearance of their surroundings. It also seeks to encourage good contemporary design which is sympathetic or complementary to its settings.

BD2: seeks to ensure that the design and site in new buildings complements and where possible enhance vistas, skylines and landmarks.

LD1: encourages the implementation of suitable landscaping.

T2: seeks, inter-alia, at all new developments are adequately served in terms of their highway needs.

National Planning Policy Framework

- 8.5 This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design. It is considered that in respect of this development the contents in the NPPF inasmuch as it refers to matters of design are relevant.
- 8.6 The NPPF also advises that LPA's Core Planning Principle should include;
"....Local strategies to improve, health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs"

9.0 MAIN ISSUES

- 9.1 The main issues relating to this application are:
The Principle of the development
Neighbours amenity
Design
Highways
Other comments made, not covered in above issues
Equality Issues

10.0 APPRAISAL

The principle of the development

- 10.1 The site is located in a predominantly residential area where limited alternative land uses are in existence in the near vicinity, these include the existing Leeds Islamic Centre at Spencer Place and small commercial and other community type premises amongst the predominant residential land use. The site itself was originally home to a large Victorian detached building that was orientated towards Francis Street on the corner of Francis Street with Hamilton Place. The last known lawful use of this building was as a nightclub. Given its former use the site has no precedent in respect of residential units and, contrary to the understanding of some of the local residents, the building that once stood on the site and housed the nightclub activity was not a Listed Building. It is not uncommon for community type uses to be in close proximity to residential properties and it is considered that this relationship is a sustainable one as it is reasonable to expect that a number of the users of the provided community centre will live within walking distance of it within the community within which it is located.
- 10.2 Given the sustainable location of the application site in relation to potential users, that

the building is not protected as a listed building or by virtue of being located within a designated conservation area, and that the last known lawful use of the premises itself was non-residential it is considered that the redevelopment of this site for purposes of an Islamic Centre are considered acceptable in principle.

Neighbours amenity

- 10.3 There are considered to be two main aspects to the issue of neighbours amenity in relation to this development proposal: Firstly that of the relationship of the bulk and massing or the impact of the building itself, (the architecture and design issues will be discussed under a separate heading below). Secondly the impact that the actual usage as an Islamic centre will result in, including hours of operation, vehicular and pedestrian movements and uses within the building.

Impact of building Itself:

- 10.6 As described above the building as originally proposed was a large structure utilising the majority of the area of site available to it. The main part of the proposed building located on the Francis Street elevation at its junction with Hamilton Place is best described as being of “traditional Islamic architecture”. This part of the building will be most closely related to properties fronting Francis Street and located to the east of the application site. The main orientation of these properties is in a broadly speaking north-south orientation and they therefore have no windows serving habitable rooms which would directly look onto the eastern elevation of the proposed Islamic centre. Drawings submitted by the applicant's agent also indicate that front and rear facing windows will not have clear views of the main part of the building and that in relation to these properties in particular it complies with the “45°” rule. Properties on the opposite side of Francis Street and Hamilton Place will have more direct views of both the front elevation and side elevation from windows that serve habitable rooms to those properties. However, this relationship is somewhat mitigated by the distances involved being some 16 metres at their closet on the Hamilton Place frontage and in excess of 17 on Francis Street, this is similar if not marginally better than the original relationship with the nightclub building the main difference being that those properties on Hamilton Place will directly look at the side elevation of a building that fills the site from front to rear rather than just the front part of the site. Originally, the rear part of the site (on Hamilton Place and Frankland Grove) was originally enclosed by a high 2.4 metre wall.
- 10.7 In respect of the properties that directly face the front elevation of the proposed Islamic centre from the opposite side of Francis Street, drawings have been submitted that show the outline of the original former nightclub building superimposed over the proposed elevations of the proposed Islamic Centre. These drawings actually suggest a reduction in the bulk and massing when compared to that original building, as the original building on the site was approximately a whole storey taller than the two storey dwellings surrounding it. The main part of the building of the proposed Islamic centre will be two storeys in height to the eaves, and the dome structure that will sit atop the main part of the building will increase its height to nearly match that of the original building. This will leave space either side of the dome when viewed from Francis Street that is not “filled-in” by building when compared to the original rectangular structure of the nightclub building. The other main difference that residents will observe with this proposal is the tall structure known as a minaret. Notwithstanding the increase in height of this over and above the proposed building and the original nightclub building it is not considered that this would be so visually intrusive and result in a negative impact on neighbours amenity to justify the refusal of planning permission. Likewise the proposed Islamic centre, when viewed from

properties on the opposite side of Hamilton Place will be viewed as a less massive structure in the street scene than the original building. The revised drawings submitted in response to officers concerns relating to the relationship of the building to residential properties has reduced the bulk and massing of the rear part of the application proposals.

- 10.8 It is concluded therefore that there is no justification for the refusal of planning permission on the grounds of the relationship of the building and its impact on occupiers of residential properties in Francis Street and Hamilton Place in that the proposed development when viewed from those properties will not be overly dominant.
- 10.9 As originally submitted the rear part of the building that is to house the classroom function and be supported by “stilts” over an undercroft car park did raise some significant concerns in respect of its relationship to the rear gardens of 12 Frankland Grove and 66 Francis Street. The drawings, as originally submitted, showed classroom windows in close proximity to the common boundary particularly with 10 & 12 Frankland Grove which would have led to direct overlooking of both the private amenity space of 10 & 12 Frankland Grove and to a slightly lesser degree, that of number 66 Francis Street.
- 10.10 There was also concern relating to the windows that were proposed to serve the main staircase facilities within the main part of the Islamic centre building and the resultant potential for overlooking of both of these properties.
- 10.11 The revised drawings have reduced the size of the classroom block so that the relationship of the windows facing the property in Frankland Grove has increased from 4.5 metres to 5.0 metres to the common boundary and all glazing on the eastern elevation is now shown to be a obscurely glazed with non-opening windows. A condition can reasonably be imposed that will ensure that this glazing remains duly glazed to a satisfactory level for the duration of the development. The distance between that same elevation and the elevation of the dwelling itself at 10 & 12 Frankland Grove is now at 17.5 metres. The only guidelines that exist in respect of this type of relationship relate to the development of housing in the document, Neighbourhoods for Living. This recommends that a total distance of 21 metres as a minimum between main elevations of dwellings is the minimum required to ensure adequate privacy. The rooms in the proposed Islamic Centre are not comparable to those of a dwelling and so this relationship must be assessed on its own merits. Given that the rooms will only be occupied on a temporary basis and not potentially 24 hours a day, the reduction in distance down to 17.5 metres is considered acceptable when tied with the safe-guards of obscure glazing and none opening windows.
- 10.12 It is therefore concluded that the development will not have a detrimental impact in terms of potential for overlooking and the perception of loss of privacy for occupiers of 10 & 12 Frankland Grove and 66 Francis Street sufficient to justify a reason for refusal of planning permission if the recommended conditions are imposed.
- 10.13 A final aspect of the proposed developments potential impact in relation to residential amenity relates to the potential for overshadowing and loss of direct sunlight. The proposal is located on the site in a roughly North North East - South South West orientation which runs parallel to the orientation of the adjoining residential properties. This will not result in a loss of direct sunlight or overshadowing from sunrise through to early evening (dependent upon the time of year) this is because essentially the

proposal is situated, due west of those properties.

10.14 There is likely to be some additional loss of direct sunlight and some additional overshadowing caused to the private amenity spaces of both 12 Frankland Grove and 66 Francis Street as a result of the classroom block attached to the rear of the building, when compared to the impact of the original Victorian building, however this will again vary depending upon the time of year and is not considered significantly detrimental enough to justify the refusal of planning permission. Any loss of direct sunlight and overshadowing caused will be for part of the day only due to the relationship of those properties with the application site. This additional overshadowing and loss of direct sunlight as a result of that part of the development will be in addition to what these properties have previously experienced as a result of the former building that existed on the site.

10.15 In addition, it is also considered that through negotiations with the applicant's agent regarding the design, and general size of that part of the building to house the classroom facility this impact has been reduced from that which would have been suffered under the originally submitted drawings.

General Usage of the Building:

10.16 The usage of the premises itself will raise matters of neighbours and amenity such as hours of operation, the activities within the building, and the activities associated with the use of the premises that take place outside of the building.

10.17 Given the site sensitive location in a predominantly residential area, it is recommended that conditions being imposed that restrict the general hours of use of the premises for the various community activities that will take place within it. It is recommended that the premises be vacated except for the resident imam, by 11 PM on any evening. Notwithstanding this general recommendation, it is recognised that the Islamic community have particular requirements in respect of their religious calendar and it is therefore recommended also that other conditions be imposed which will allow the temporary extension of these hours at certain times of the year.

10.18 As Members may be aware, the Islamic calendar, unlike the traditional Christian calendar does not have fixed dates for its various celebrations but rather, they shift throughout the year depending upon the lunar calendar. This means that celebrations such as Ramadan and Eid being tied to the sighting of a new moon will commence at different dates and at different times year on year. The results of this are that the celebrations, particularly during the summer months, can end beyond the normal hours that it would be expected for a community centre or religious centre to be occupied. Based on previous experience, it is therefore recommended to impose similar conditions as imposed on other Islamic centres recently whereby the management organisation of the Islamic community centre provide the local planning authority with the projected dates of these special religious festivals in order that this information can be available to anyone who makes enquiries regarding activities that would breach the normal hours of operation that are imposed by the previously discussed condition. This it is considered, strikes a acceptable compromise between allowing free reign of the use of the building that may result in unacceptable disturbance to occupiers are surrounding residential properties, and the ability of the organisation to celebrate and recognise their own traditions.

10.19 Concern has been raised to a significant degree, regarding the potential for congestion and on street car parking. Given that the proposal as submitted, only makes provision for 10 off-street car parking spaces, it is clear that there will be

insufficient space within the curtilage of the property to accommodate the potential number of cars that might be used in attendance of this premises. This is a recognised problem and one that is not easily overcome.

- 10.20 In order to mitigate the potential impact of high volumes of motor vehicles being used for attendance at these premises, it has been negotiated with the applicants that prior to works commencing on site they fund and provide a traffic regulation order that will ensure that cars cannot park within the immediate vicinity of the premises. This, it is hoped, will encourage users of the premises to use more sustainable methods of transportation to the premises. However, it is recognised that it is also something of a compromise as it will not alleviate the problem of on street car parking in the locality in its entirety.
- 10.21 This has been secured by means of an agreement made under section 106 of the Town and Country Planning Act.
- 10.22 Another area of concern in relation to community type buildings such as this relates to the activities that might take place within the building. The main source of potential disturbance from this would be noise. It is recognised that in Islamic circles amplified music is not a large part of their religious activities however, it would still be prudent to impose a condition that restricts the use of amplification outside of the building and within all rooms except for the main meeting hall. The building will need to be constructed to modern building regulations standards which are very high when it comes to ensuring that a building is well insulated and this assists in the minimisation of sound escaping from the premises causing disturbance to local residents. As an additional safety measure a condition restricting the use of amplification equipment except within the main hall can also restrict the hours of any form of amplification within that part of the building between 9 AM and 8 PM which should further safeguard against any potential disturbance that such equipment may cause.
- 10.23 The drawings as originally submitted indicated a terrace space on the roof of the classroom block with safety railings around the perimeter. This was considered firstly to be an unacceptable potential source of noise disturbance for local residents as well as a potential source of loss of privacy due to direct overlooking of the closest residential properties. In negotiations with the applicants, access to the flat roof of the classroom block and removal of the railings has been secured which will thereby remove any potential disturbance from regular roof access as it will now only be achievable for the purposes of repair and maintenance as opposed to general access.
- 10.24 The comings and goings associated with such community uses are also a potential source of disturbance to local residents, and in this case it is considered that the Traffic Regulation Order will assist in minimising the disturbance that might otherwise occur. The noise produced by car engines starting/stopping and car doors being opened and closed will again be reduced in the immediate vicinity of the application site due to the implementation of the Traffic Regulation Order which likewise should also ensure that pavements and footpaths around the site are kept free of illegally parked vehicles.
- 10.25 The hours of operation condition combined with the Traffic Regulation Order should also help to ensure that noise generated from the general activities of attendees, particularly when leaving the site in the evening will be more dissipated and occur at a more reasonable time in the evening as a generality. It is accepted that at times of the

special festivals, i.e. Ramadan or Eid, that there is still a potential for disturbance to occur as a result of people holding conversations in the street immediately outside of the building, however this is an accepted compromise and, something which the planning system cannot in and of itself eradicate completely anyway.

- 10.26 On balance, it is considered that using the safeguard of condition to control the general hours of operation, the Traffic Regulation Order and the amendments that have been negotiated that the scheme is acceptable in terms of the potential impact that it might have on the amenities of occupiers of surrounding residential properties. It would be difficult to conclude that there will be no impact, however in seeking to respond positively to a section of the community within Chapelton and their perceived needs to make provision for their section of the community officers are confident that everything has been done to achieve an acceptable compromise.

Design

- 10.27 The development proposed for the site is a design of two halves. However this is somewhat purposeful in order that focus is given to the main part of the building which front Francis Street.
- 10.28 The main part of the building which will accommodate the religious activities and is the home for the resident Imam is of a traditional Islamic design including a domed roof on a circular base building and associated minaret.
- 10.29 The architectural styling of this part of the building it has to be said, is completely out of character with the vast majority of the buildings that are in the immediate vicinity. That said the architecture relates to its function as an Islamic cultural centre of this part of the building which will reflect the religious activities and is in keeping, in a functional sense, with its design.
- 10.30 A parallel can be drawn historically in the local area where buildings from other religious traditions have been erected in and amongst other more uniformly designed buildings and for various reasons they are of a completely different architectural style, for instance, a traditional Anglican Church does not take its architectural clues from its surroundings or the prevailing architectural style of the surrounding buildings. Rather they are designed to reflect the function of the buildings as places of worship. As such, they stand out and make a statement rather than blend in. This part of the building will fulfil exactly the same role.
- 10.31 Likewise the main part of the buildings that is the subject of this application for planning permission has been designed in respect of its end use and, given its prominent location at the junction of Hamilton Place and Francis Street, will make an architectural statement about its function as a building and the evolution of architecture and the changing community within this part of Chapelton.
- 10.32 Whilst due regard has been given to the scale of the proposed building in particular its bulk and massing it is considered in this instance that weight should be given to the aspect of this development relating to its end-use and in any case the Victorian building that formerly occupied the site was somewhat larger in scale than this proposal that seeks to replace it. It is considered therefore that this element of the proposal, whilst not in keeping with the prevailing architectural style of its immediate surroundings, is acceptable in design terms.

- 10.33 The second element relating to design is that part of the building that will house the classroom function and will be essentially at the rear of the main property. Through negotiations with the agents this part of the building has been substantially reduced in terms of its bulk and massing in order that its impact both in relation to the main part of the building and its impact in the street scene including its impact on the amenities of the adjoining residential properties is substantially reduced and minimised whilst, at the same time, still providing the necessary space to provide the six classrooms required by the applicants. The nature of the site also allows this part of the site to be exploited to provide a limited amount of off-street car parking in the form of undercroft car parking. It is proposed to secure this by the use of decorative railings and gates which is considered to be acceptable in street scene terms and will help to provide surveillance and security whilst providing a more attractive frontage to the streets of Hamilton Place and Frankland Grove.
- 10.34 The architectural form of this part of the building is somewhat simpler in that it is a more rectangular and horizontally orientated alignment which helps to separate this part of the building from the main part of the building and allow it to be read almost as a separate entity. Again the architectural simplicity of this part of the building reflects its use more as an educational establishment than a religious establishment. The recessive style of architecture means that the eye of passers-by will be drawn to the more decorative and ornate main building and render this part of the site to have very much of a secondary role in the street.
- 10.35 It is therefore considered that the juxtaposition of the more traditional Islamic style of architecture against the simpler almost utilitarian style of architecture complement each other in providing an acceptable impact on the street scene, an acceptable impact on the amenities of occupiers of surrounding residential properties, and by emphasising the main part of the building and its more complex architectural style at the expense of the secondary part of the development as proposed.

Highways

- 10.36 As members will be aware Leeds UDPR standards for car parking requirements in relation to places of worship means that the necessary requirements relating to a particular place of worship is treated on its own individual merits on the basis of surrounding land uses, other similar establishments in the near vicinity, and past experience. In this instance it is clear that 10 off street car parking spaces is insufficient to accommodate the potential for traffic generation that the creation of this establishment may result in. To this end it has been recommended that should planning permission be granted that as a minimum a Traffic Regulation Order be implemented at the developer's expense, in order to reduce the potential impact of on street car parking in the immediate vicinity of the development site.
- 10.37 This will necessitate the developers funding a survey, providing information as to their programme of activities, and then paying the council's legal and other costs in implementing the required Traffic Regulation Order. It is likely, but not necessarily so, that parking restrictions will be implemented at the developers expense in the near vicinity of the development possibly on Hamilton Place and Francis Street.
- 10.38 It is considered that whilst this will not completely alleviate the issue of on street car parking it will help to dissipate the car parking that will be generated as a result of the implementation of this planning application in addition to encouraging attendees to use more sustainable forms of transport for their journeys to the site.

- 10.39 In giving consideration to the implications of the development proposed in relation to on street car parking generation, due regard should be given to the former use of the site as a nightclub. Whilst there is no documentation, it is likely that the nightclub use itself generated vehicular movements to and from the site at unsociable hours of the day and if not in the form of private motor cars owned by the attendees, certainly in the form of taxi services dropping off, and picking up, people who frequented the night club.
- 10.40 Of course, there are a multitude of alternative uses that the site could be put to including "in principle" some form of residential development, and possibly off street car parking provision, however these are not proposals that before the local planning authority for determination. The local planning authority are charged with determining the proposal as currently submitted in accordance with the policies relevant within the local plan.
- 10.41 To this end, it is considered that whilst it is acknowledged that on street car parking will be generated as a result of the implementation of this proposal it can be mitigated to a certain degree by the implementation of the traffic regulation order. The developers have already entered into an agreement under section 106 of the Town and Country Planning Act confirming that they will fund and implement the traffic regulation order prior to the commencement of the development on the site.

Other comments made, not covered in above issues

- 10.42 Creating disharmony within the community – It is difficult to see how the Planning System could be used to mitigate this, the application has to be treated on its own individual merits in relation to material considerations which are addressed in the main body of this report.
- The need for a further Mosque in close proximity to another – In a similar way that the planning system does not seek to control competition within the market place, neither does it have regard to the needs of differing faiths except as to allow provision for them when a need arises, historically it is not uncommon for different denominations of, for instance, the Christian religion, to exist in close proximity, that same principle applies here within the Islamic faith.
- Attendees will not live in the immediate area – The planning system can only seek to control the impact of the development and has no remit to control where attendees originate from.
- Emergency vehicle access – The TRO will disperse the impact of the development over a wider area thereby reducing its impact in the immediate vicinity.
- Reduction in property values – This is not a material planning consideration.
- Lack of consultation prior to submission – whilst the LPA encourage community involvement and prior consultation in plan making prior to the submission of applications of planning permission, that the developer did not undertake this (allegedly), is not a material consideration against a recommendation to approve.
- Unauthorised demolition of a Listed Building – the building is not on the Statutory List of buildings of Historic and Architectural interest.
- A similar centre was rejected in Leeds17 – Each case has to be treated on its merits, one decision in one area does not act as a precedent for others.

Equality and Diversity:

- 10.43 Leeds as a whole and Chapeltown in particular is a diverse mix of cultures each with their own specific needs, desires and aspirations, notwithstanding that there is already a similar development nearby (The Leeds Islamic Centre), it is clearly the case that this is not meeting the needs and providing the opportunities for certain sections of the

Islamic Community. Consideration therefore needs to be given to the needs and aspirations of this section of that community which, it is considered has been done throughout the main body of this report. In grant planning permission for this development, subject to the safeguards recommended in the conditions and the amendments negotiated to the scheme it is considered that the needs and aspirations of other sections of the community have also been fully taken into consideration.

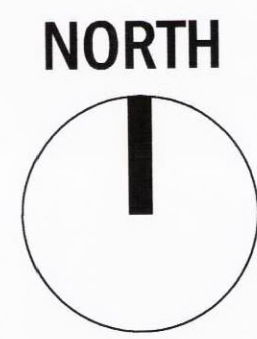
11.0 CONCLUSION:

- 11.1 Whilst it is accepted that the establishment of such a facility as this in a predominantly residential location is not without its problems, there is also the consideration of the needs of the community within the wider community that the facility is seeking to meet the needs of. On balance it is considered that subject to the safeguards outlined in the recommended conditions, that the scheme is acceptable in terms of its potential impact on the considerations outlined in the main body of this report and is in compliance with policies GS2, SG3, SG4, SA1, SA2, SA7, SA8, GP2, GP5, BD5, BD11, BD12, BD13, BD5, LD1 and T2 of the Leeds UDPR and is also in compliance with national policies of the National Planning Policy Framework (NPPF).

Background Papers:

Application files : 13/02412/FU

Certificate of ownership: Signed by applicant as sole owner of site



FRANCIS STREET

HAMILTON PLACE

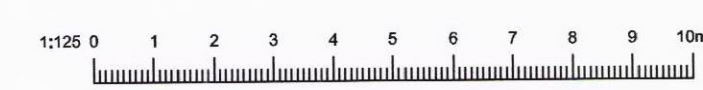
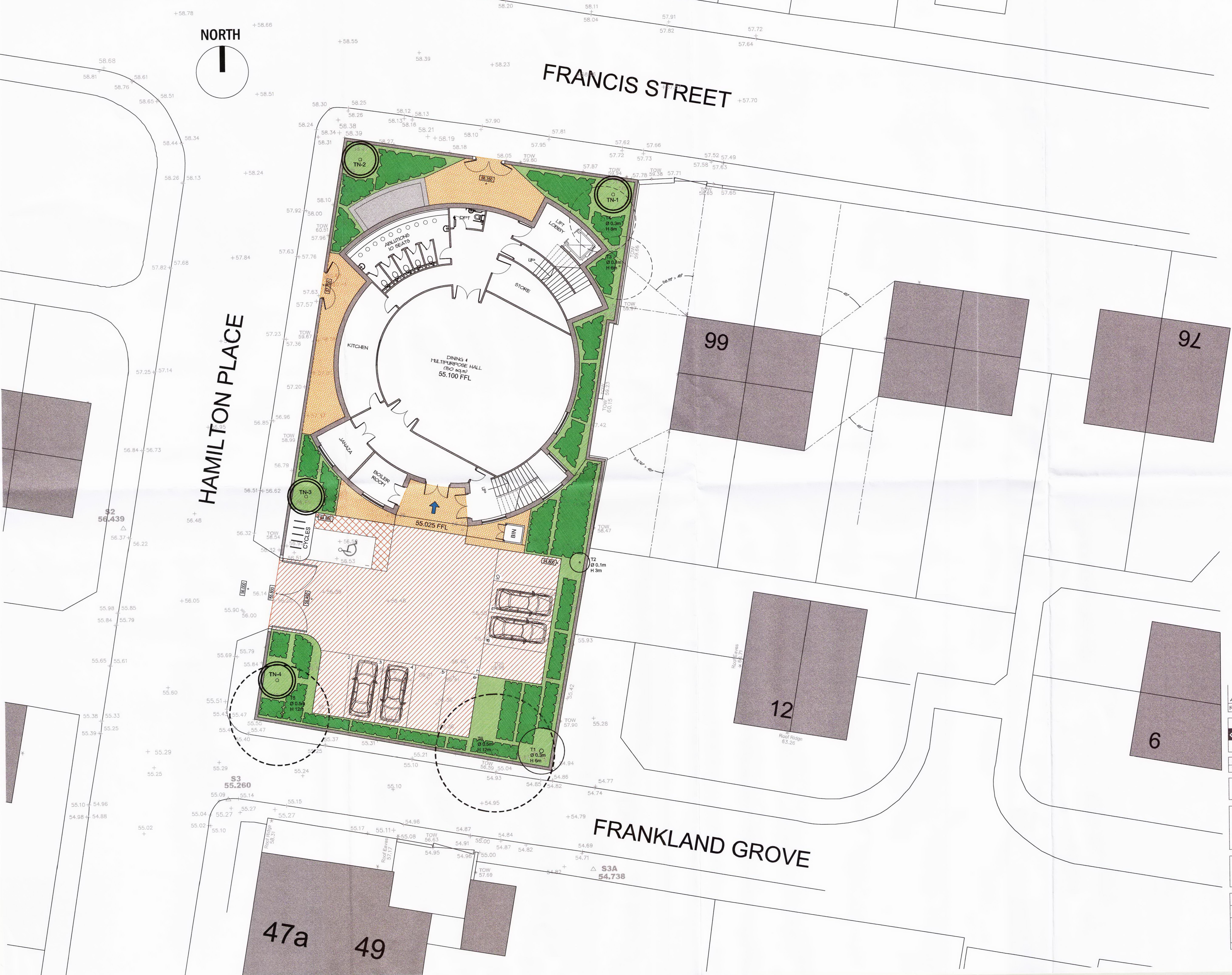
FRANKLAND GROVE

IDENTIFICATION KEY

	PARKING AREA POROUS PAVIORS
	PATH - POROUS PAVIORS
	PEDESTRIAN
	LANDSCAPING

- TREE TO BE REMOVED
- NEW TREE
- EX. TREE MAINTAINED

LEEDS CITY COUNCIL
22 OCT 2013
REVISED



A	REAR BLOCK MASSING & SCALE REDUCED 21-10-2013	DATE
REV	AMENDMENTS	DATE

ARCHI-STRUCTURE
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Tel : 01274-599747 E-mail : info@archi-structure.co.uk

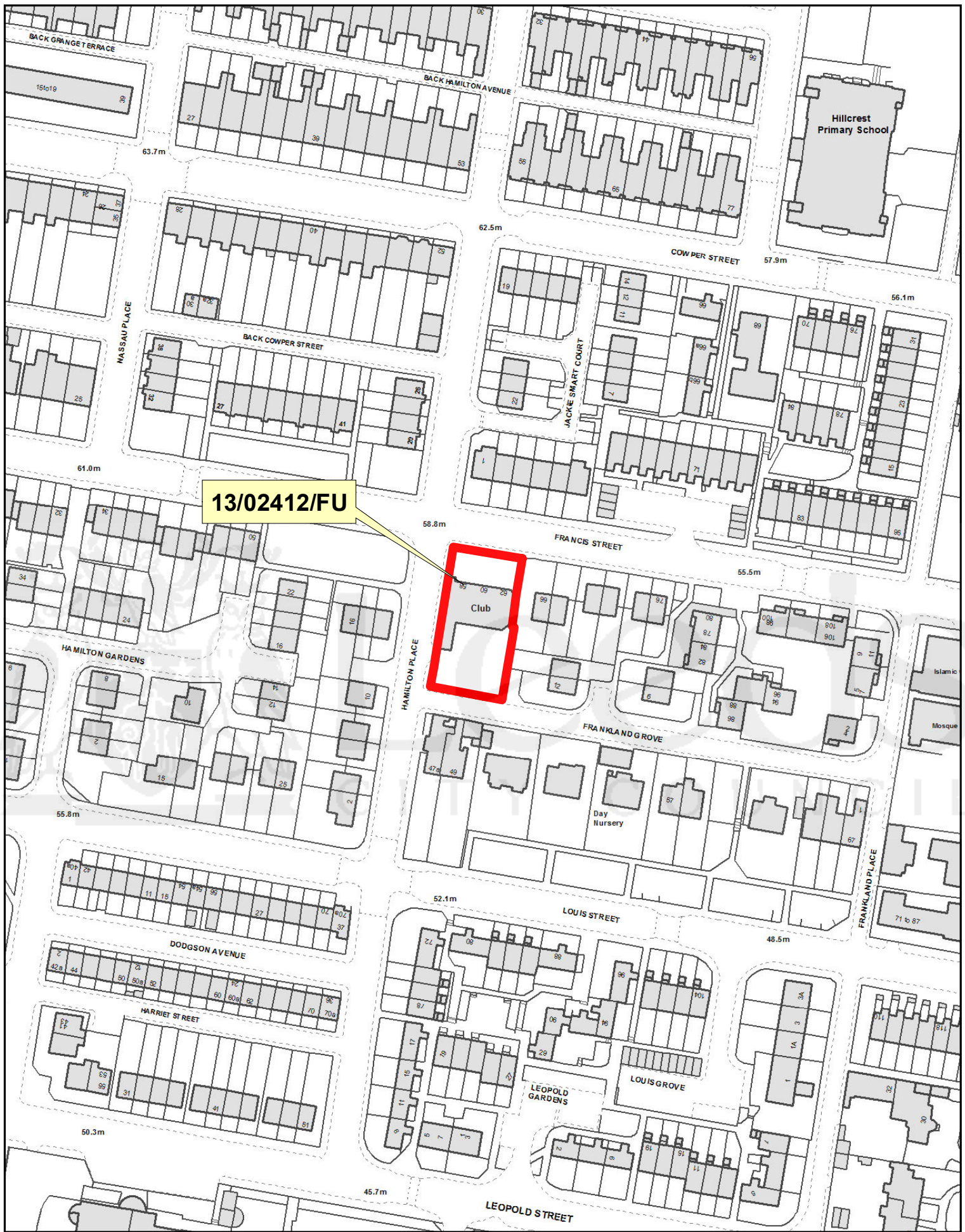
CLIENT
DAWAT-E-ISLAMI

PROJECT
FAIZAN-E-MADINA ISLAMIC CENTRE
58-60 FRANCIS STRETE
LEEDS LS7 4BY

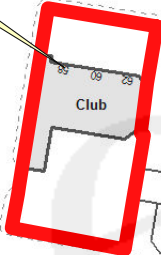
TITLE
SITE PLAN, ACCESS & PARKING
LOWER GROUND FLOOR PLAN

DRAWN BY: AS	CHECKED BY: AS	
DATE: MAY 2013	SCALE: 1:125 @ A1	
PROJECT REF: 212-135	DRAWING NO. 01	REV. A

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13/02412/FU



NORTH AND EAST PLANS PANEL

