
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 24th July 2014

Subject: 13/00158/FU - Proposed three storey multipurpose community building with basement car parking and revised surface car parking at 46-48 Spence Place, Chapeltown, Leeds.

APPLICANT
Leeds Islamic Centre

DATE VALID
14 January 2013

TARGET DATE
13 September 2014

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:

DEFER and DELEGATE approval to Chief Planning Officer subject to the conditions specified and the completion of a Section 106 agreement to secure the following:

- **The funding and implementation of a Traffic Regulation Order (TRO)**
- **The demolition of numbers 46 and 48 Spencer Place within 6 months of the date of first occupation of the multi-purpose building**
- **The remediation of the resulting site of in accordance with a remediation plan to be submitted to and approved in writing by the Local Planning Authority**

- 1 Time limit on permission.
- 2 Plans Schedule
- 3 Submission of External Materials
- 4 Submission of surfacing materials
- 5 The cessation of the use of numbers 46 and 48 Spencer Place upon first use of the multipurpose community building.

- 6 Demolition of the properties 46 – 48 Spencer Place, as required under the Sec. 106 Agreement within 6 months of the date of first occupation of the multipurpose community building.
- 7 Prior to works commencing on site the submission and approval of a scheme of remediation that will be required following the demolition of 46-48 Spencer Place including details of layout, landscaping and timescales for implementation.
- 8 Implementation of Road Traffic Order required under Sec106 prior to first use of the centre
- 9 Detailed landscaping scheme including implementation
- 10 Landscape management scheme
- 11 Drainage conditions
- 12 Unexpected contamination conditions
- 13 Provision and laying-out of car parking facilities prior to first use
- 14 Submission approval implementation and maintenance of air-conditioning, fume extraction and ventilation equipment prior to commencement of development.
- 15 No external lighting installation unless previously agreed to in writing by Local Planning Authority.
- 16 Hours of use restriction to 08:00 – 23:00 on any day except for special festivals such as Ramadhan and Eid that shall be notified to the Chief Planning Officer at the commencement of the Islamic New Year in advance when the hours of use shall be 08:00 – 00:30 hours.
- 17 Noise level conditions relating to the building and plant
- 18 Sound insulation scheme
- 19 Provision of waste disposal prior to use
- 20 Provision of a grease trap
- 21 Control of dust hours of delivers and demolition and construction from 08:00 to 18:00 Mon-Fri and 09:00-13:00 Saturday no activity on Sunday's and bank Holidays.
- 22 Restriction on hours of delivers during life of development 09:00-18:00 Monday to Saturday with no deliveries on Sunday's and Bank Holidays.

1.0 INTRODUCTION

- 1.1 This application relates to the existing Leeds Islamic centre based at Spencer Place, Chapeltown, Leeds.
- 1.2 It seeks planning permission for a new build multipurpose community building that will replace existing buildings already on the site.
- 1.3 It is brought to Plans Panel due to the sensitive nature of the development proposed and the requirement for the council to enter into an agreement under Section 106 of the Town and Country Planning Act 1990 with the developer to ensure demolitions of the original properties known as 46 and 48 Spencer Place are carried out within a timely period following occupation of the new build premises and the funding and implementation of a Traffic Regulation Order, should planning permission be granted.

2.0 PROPOSAL

- 2.1 The proposal seeks planning permission for a large freestanding building, situated in the south west corner of the site on an area of land that is presently occupied by a vacant building known as 42 Spencer Place. It is the applicant's intention to demolish this building to make sufficient space for the proposed multipurpose community building.

- 2.2 The proposed building is modern in its design with features introduced that pay homage to its Islamic use. It is proposed to be predominantly glazed and will measure some 11.9 m in height from ground level to roof apex and its footprint will measure some 40 m x 27 m. The use of the building will be for multiple purposes with the large hall at ground floor replacing the sports hall facility that presently exists at 48 Spencer Place which accommodates indoor activities such as basketball, indoor football and other sporting activities. It will also be used for functions such as wedding celebrations. There is also a kitchen, located in the wholly brick part of the building (that lower rise part closest to the residential properties in Lois Street) and a café area adjacent to the main entrance doors and separated from the entrance lobby by a lift shaft.
- 2.3 The remainder of the upper floors of the building will be used predominantly for educational purposes with some 20 rooms on the first and second floor allocated as teaching rooms. Toilets and ancillary office rooms are also provided on the first and second floor. The basement is an area of underground car parking served by a ramp from the outside car parking area, with a stair well and lift shaft either side of a bin store and cycle storage area. It is understood that teaching takes place early evening after normal school hours and till no later than 21:00 hours and that the sports hall is used up to 22:00. There are no hours of use restrictions presently imposed on either the use of the existing buildings of 46-38 Spencer Place or the main Mosque building.
- 2.4 The proposal also seeks approval for the laying out of the car parking area that is accessed off Spencer Place. Through negotiations with the applicants, the proposal will also include the demolition of numbers 46 and 48 Spencer place, these being the original buildings of the site and the buildings that the present proposal seeks to replace and expand upon. Number 46 Spencer place is itself a small mosque building and was the original building occupied by the applicants as a mosque. Its use as a mosque has subsequently been superseded by the building of a purpose-built mosque in the north-east corner of the site.
- 2.5 Number 48 Spencer place, currently constitutes a building that has been extended to the rear boundary of the property and is used as a multipurpose building. The buildings have been linked so that access can be gained from one to the other, however both buildings are falling into a state of disrepair and it is the applicant's intention to replace the functions of both of these buildings by the development of this proposal in conjunction with the mosque that has already been completed and occupied.
- 2.6 The applicants state in their submission that "the older buildings in the north-western part of the site are dated and are not suitable for educational purposes, and there are pressures for space within the existing mosque building, which already has to provide for a variety of other functions."
- 2.7 There is no reference in the original submission by the applicants of the proposed demolition of the original mosque and existing multipurpose buildings following completion and occupation of the building that is the subject of this application. It is considered that their retention for any length of time following occupation of the new multi-purpose building would lead to an over development of the site.
- 2.8 The South East corner of the site is proposed to be laid out as car parking and will provide up to 24 car parking spaces, (including disabled spaces). There are a number of trees to be felled protected by a tree preservation order as part of the

proposals. However, a replacement tree planting plan has been submitted.

- 2.9 Basement car parking is also proposed. This will provide an additional 34 car parking spaces to the site. The remainder of the building is to be constructed over three floors with the ground floor providing a community hall with ancillary Kitchen, serving and function room facilities, with toilets and a cafe area, with the first and second floors providing 20 teaching rooms. A nearly 7 times increase in floorspace over and above the floorspace of the existing buildings that are to be demolished, not including the main mosque building itself, will exist as a result of this development.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located in a predominantly residential part of Leeds and is surrounded on all sides by existing residential properties. In particular flats exist at 71-87 Louis Street, which are in very close proximity to the common boundary with the application site and with the location of the proposal. These flats are three storeys in height and are a flat roofed block with a "U" Shaped foot print, the rear projecting wings of which face the proposed multi-purpose building.
- 3.2 Other properties in the immediate location are larger Victorian Villa type buildings on the opposite side of Spencer Place which whilst essentially two storey in height have accommodation in the roof space. These properties are separated substantially from the application site by long front gardens many of which are heavily treed. More modern buildings exist to the south in the form of flatted development immediately adjacent to the application site and a row of two storey terrace houses on the opposite side of Lois Street to the application site. To the west on the opposite side of Frankland Place are further Victorian Villa type buildings orientated at 90 degrees to the application site and immediately behind the present buildings of 46 and 48 Spencer Place are modern 2 storey houses. To the north of the site is a large detached dwelling that is two storey to the rear rising to 2 ½ storey to its front.
- 3.3 Access to the site is currently from Spencer place and it is proposed to retain this point of access with some secondary access points of Frankland place, which lies to the west of the application site. At present the site consists of the properties of 46 and 48 Spencer place, which are presently in use and which this proposal seeks to replace and expand the functions of. The main Mosque building lies in front of these properties in that part of the site closest to the junction of Spencer Place and Francis Street. The proposed multipurpose building is proposed on land that is presently laid out for car parking that separates number 42 Spencer Place from 46 Spencer place and that site of the buildings of 42 Spencer Place, necessitating their demolition. 42 Spencer Place is a detached Victorian Villa with a substantial out building adjacent to its rear boundary. A TPO exists on the site and the majority of trees under this TPO are on the boundary of 42 Spencer Place and 46 Spencer Place.
- 3.4 Members should be aware that this site lies in very close proximity to the recently approved new Islamic centre at Francis Street, which lies to the North West approximately 100 m away.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 A previous application reference 11/03894/FU was withdrawn on 11 April 2012 as agreement could not be reached with the applicants in relation to the specifics of

the development at that time. As a result of this negotiations were entered into with the applicants in order to explain and clarify the local authorities concerns in respect of the scale of the development proposed by them.

- 4.2 Previously to that a series of applications have been made for the extension and alterations to the existing properties on site to provide the multipurpose facilities. It is clear from a site inspection that these buildings are becoming increasingly unfit for purpose and are in need of replacement or drastic refurbishment.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following the withdrawal of the earlier application under reference 11/03894/FU, the applicants have met with planning officers to discuss their needs and the concerns of the local planning authority. The main issues raised by the local planning authority in relation to the proposed development of this site for a new multi-use centre relate to the design of the building, the potential impact on neighbours and amenity due to its size, the impact on the road network in the immediate vicinity, the potential loss of trees protected by Tree Preservation Orders and the potential overdevelopment of the site.
- 5.2 The applicants have been informed at all stages of the negotiations that in order to justify the granting of any planning permission for a building such as this on the site they would need to agree to the demolition of the original mosque building number 46 Spencer Place and the existing multipurpose building at 48 Spencer Place and that this demolition would have to be within a timescale agreed prior to the granting of planning permission to prevent an over development of the site. The applicants have also been told that a condition to prevent the use of the use buddings would not be sufficient in itself as their presence on site with the new build proposal would overly develop the site as a whole. Whilst a condition is recommended as part of this application it is seen as a temporary restriction pending the agreed demolition of those buildings following first occupation of the new build multi-purpose centre.
- 5.3 The applicants were also informed that due to the floor space created by the new multipurpose centre that an agreement to the funding of a Traffic Regulation Order would need to be made in order to go some way to alleviating the on street car parking problems currently experienced as a result of the presence of the Leeds Islamic Centre at this site.
- 5.4 It was during the processing of the current application, and only very recently, that the applicants have now agreed to the full funding of the required Traffic Regulation Order and to the demolition of the existing and original mosque building at number 46 Spencer Place and the existing multipurpose building at 48 Spencer Place within a six month time period following first occupation of the new multipurpose use centre should planning permission be granted. Included in that agreement will be the requirement of a remediation plan so that the area vacated by the demolition of the above-mentioned buildings can be satisfactorily resolved. It is envisaged that this remediation plan will include details of how the land, following the demolition of the properties will be treated and landscaped. Given the loss of some mature trees protected by a Tree Preservation Order, it is also expected that the necessary compensatory tree replanting will be part of this remediation plan. This agreement along with the Traffic Regulation Order requirements are to be included in an agreement under section 106 of the Town and Country Planning Act 1990 prior to the final issuing of any planning permission.

- 5.5 In addition to the above two key elements of the proposal an amendment to the footprint of the proposed multipurpose centre has also been negotiated in order that in its southern elevation a section has been removed in the central part of that elevation in order to reflect the shape and pattern of development at number 71 to 87 Louis Street. This is in response to concerns raised by officers in relation to the potential impact of the lower element of the building on the living amenities of occupiers of those flats where windows to habitable rooms exist on the rear elevation of that property. These amended drawings have now been submitted.
- 5.6 In addition, a replacement tree planting plan has been submitted showing the proposed compensation for the loss of trees protected by a Tree Preservation Order as a result of this development. This consists of the planting of up to 7 heavy standard trees the details of which are to be agreed by condition should planning permission be forthcoming.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Public/local response the application has been advertised by means of a site notice posted in various locations surrounding the site and letters sent out to individual properties in the immediate area and an advert posted in the local press. Time for comment to these various forms of publicity expired on 21 February 2013.
- 6.2 As a result of this public consultation exercise 2 letters of objection have been received issues raised in those letters relate to:
- Loss of a fine Victorian building
 - Noise
 - On Street car parking.
 - Dangerous and inconsiderate parking during Friday prayers and special festivals
 - Loss of trees.
 - The facilities are not open to all sectors of the local community and it there to meet the religious needs of only one sector of the community.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Landscaping: raises an objection to the application on the basis of the loss of trees protected by a tree preservation order. Some of these trees are very large and are highly visible. Consequently, their loss would also have severe negative visual impact and loss of amenity to the locality. This is still an outstanding objection to the proposal however it is seen that there is an opportunity to achieve some replacement planting in the area of the site presently occupied by 46 and 48 Spencer Place once that part of the site is remediated.
- 7.2 Highways object to the proposal on the basis that the development will cause additional on street car parking and the potential for this to be exacerbated is increased if the existing buildings that the present proposal seeks to replace remain on site. Again, subsequent negotiations with the applicant clarified that should planning permission been recommended for approval that at the very least the existing properties should be demolished within an agreed timeframe, agreed prior to the approval of the application for planning permission and that a Traffic Regulation Order will be required to reduce the impact of the development on the surrounding streets.
- 7.3 Secured by Design: makes recommendations in respect of various relatively minor aspects that can improve the security of the site as a whole and the development in particular. These recommendations will be forwarded to the applicant should

planning permission be granted.

- 7.4 Design team: have made general comments in regard to the bulk and massing of the building expressing concern that it may be too dominant and fight for attention from the main functional building on the site being the Mosque itself. They consider that the materials proposed are at odds with the site overall and that the development proposed is too large for the site. This objection has not been overcome.
- 7.5 Environmental Protection Team: Have not responded to the consultation, however it is considered that the main area of concern that would be raised over and above the other issues for this development would relate to the possible disturbance to surrounding residents due to hours of operation, any fume/air conditioning and other ventilation facilities that might be needed and the provision of any external illumination necessary as a result of the development.

8.0 PLANNING POLICIES:

- 8.1 The development plan is the adopted Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).
- 8.2 The Council has submitted its Core Strategy to the Secretary of State. The Strategy is considered by the Council to be sound and in line with the policies of the NPPF and the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011. An initial hearing session has been held and the Inspector is satisfied that the Council have fulfilled the legal obligations of the Localism Act as they pertain to the Duty to Co-operate. The Core Strategy progressed to formal hearing sessions which were held in the autumn 2013 and the spring of 2014. The Inspector's main modifications were published on 13th March 2014 for six weeks public consultation. More recently the final modifications have been publicised with a further period of consultation. The Inspector's report should be published before the end of July 2014. Significant weight can now be attached to the policies of the Draft Core Strategy as amended by the main modifications.
- 8.3 Relevant UDPR 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 to need a travel, promote the use of public transport and other sustainable modes;
 - SA7: to promote the physical regeneration 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;

GP11: Where applicable developments must ensure that it meets the same sustain sustainable design principles.

N12: Proposals for development should respect fundamental priorities urban design including respecting spaces between buildings, maintaining preserve and where possible the best buildings at the past, new development should respect the character and scale of buildings and the routes connecting them;

N13: 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.

BD5: Seeks to ensure that all new buildings are designed with consideration to both their own amenities and the ending of their surroundings.

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.

TP2: seeks, inter-alia, at all new developments are adequately served in terms of their highway needs.

8.4 National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and on particular Paragraph 17 of the NPPF seeks to define the Core planning principles of central Government and these, inter alia, seek to;

- Seek creative ways to enhance and improve the places in which people live their lives.
- Seek high quality design
- Promote the vitality of urban areas
- Encourage the use of brownfield land where that land is not of high environmental value
- Encourage multiple benefits of the use of land
- To support community and cultural facilities to meet local needs.

8.5 Paragraph 70 of the NPPF also seeks to encourage the provision of social, recreational and cultural facilities and that planning decisions should “plan positively for the provision and the use of shared space, community facilitates.....”

9.0 **MAIN ISSUES**

9.1 The main issues relating to this proposal are:

Design.

Impact on neighbours and amenity.

Highways.

Loss of Trees

Section 106 Agreement

Equality

10.0 **APPRAISAL**

Design:

10.1 The design of the proposed building is somewhat modern with aspects that reflect the traditional Islamic architecture of the main mosque building on the site. The building is essentially rectangular in form with the front elevation, the rear elevation and the side

elevation (facing north) highly glazed with the side elevation facing south, that is facing the rear of the flats on Louis Street, predominantly brick with a secondary access door. The front elevation is broken with “stunted” minaret features paying homage to the Islamic heritage, however these are the relatively minor when compared to the two minarets that are located on the main mosque building and certainly do not project as towers like those on the main building do. This helps in defining which of the buildings on site the primary building is. The Mosque having the true minaret features clearly defining that it is the primary functional building of the site. Another aspect of the impact of the design is the position that the building will occupy. The proposed multipurpose building will clearly be set to the rear of the site and from many angles of view actually reflect the main mosque building thereby giving prominence to that building rather than itself. Finally, if the buildings that this proposal is seeking to replace were to remain on site then by their retention this building would appear more dominant due to their more diminutive stature when compared to both the Mosque building and the building the subject of this proposal.

10.2 The eaves overhang the main building with retainer pipes that project from ground level to the eaves and support a canopy type features at the first and second floor levels. The whole building is topped with a metal standing seam roof that is unlikely to be visible from ground level. The minaret type features on the front elevations are shown as brickwork with tall thin vertical Windows within them, and these “brick pillars” are reflected on the rear elevation but only with entrance doors at ground floor level.

10.3 It is considered that whilst the building is a large building for the site. It is sufficiently different in architectural detailing to the main mosque in building so as not to compete with it. The choice of the palette of materials been fairly “lightweight” in terms of glazing and minimal amounts of brickwork is also seen as a positive element in ensuring that visually the building will be seen as subordinate to the main mosque building on the site. In this regard, it is considered that the building been set to the rear of the site when viewed from Spencer place is acceptable. It is considered therefore that when these factors are taken into account, that notwithstanding the comments of the design team the modern glazed structure located to the rear of the site will be acceptable.

Impact on Neighbours Amenity:

10.4 This aspect of the development falls into two parts. Firstly, the impact on the amenities of occupiers of number 71-87 Louis Street, and secondly the impact on the general amenities of occupiers of surrounding residential properties due to the comings and goings of attendees and on street parking problems.

10.5 In respect of the impact of the visual amenities of occupiers of 71 to 87 Louis Street, concern was expressed by officers to the relationship of the proposed building to the rear elevation of those flats. Those flats sit on their site in a U-shaped form with the rear elevations of the “projections” not having any windows in them, however, the remainder of the rear elevation has windows serving habitable rooms. As originally submitted the distance between the elevation of the flats with windows to the side elevation of the 1 ½ storey element of the proposal was 9m. Whilst it is acknowledged that there are no guidelines in respect of relationships between residential properties and other uses such as this within Council documents it was considered that this relationship would have an adverse impact on the amenities of occupiers of those flats through loss of outlook and over bearing impact. However the Councils Document Neighbourhoods for living would advise that as a minimum, a ground floor main window to a side elevation of another property should be a minimum of 12 metres.

- 10.6 Amended drawings were requested that deleted the central part of that 1 ½ storey reflecting the “U” shape footprint of those flats and in the process moving the blank brick elevation an additional 5 metres from the direct line of sight of the windows in the flats. This gives a distance of 14 metres direct line of sight to the blank elevation of the proposed multi-purpose building although other views of the proposal will still appear closer. Given that the proposed multipurpose building is overall more massive than would be the case of a more simple dwelling to dwelling relationship, the increase in 2 metres over the minimum suggested in Neighbourhoods for Living is considered appropriate. In addition to this, that this elevation is blank brickwork with a secondary access door at ground level will mean that any activities within this part of the building should not cause a disturbance to occupiers of these flats. It is considered that this element of the proposal is acceptable.
- 10.7 The second aspect of neighbours amenity is a much more generalised one and is also closely tied in with issues of highway matters. The site is currently used for a number of uses relating to the religion of Islam with the present activities confined to the existing primary mosque building on the site that lies in the north-east corner of the site, with social, teaching and other activities, in the existing buildings of 46 and 48 Spencer Place.
- 10.8 Had the applicants not agreed to the timely demolition of these buildings, it is considered that the current proposal would represent an overdevelopment of the site. However, it is considered that due to the agreement of the applicants to enter into an agreement under section 106 of the Town and Country Planning Act 1990, that whilst there will be a net increase in floor space overall this will be offset to a degree by the loss of the existing buildings. It should be noted that the amount of floor space increase that the current proposal represents is some 6-7 times that provided for the present buildings of 46 and 48 Spencer Place. (The amount of floorspace to be provided has reduced marginally as a result of the amendments mentioned above).
- 10.9 This means that in terms of neighbours and amenity, the activities on the could be increased in terms of the vehicular movement to and from the site over and above what is experienced presently. However this will be somewhat curtailed by the provision of an area of underground car parking which will isolate much of the onsite vehicular activity in an enclosed space. Car doors being opened/closed, alarms going off and car engines being started and accelerated will be contained within the underground car park for those cars that use it. The surface car parking provision is more detached from the adjacent residential properties being adjacent to that neighbouring development’s own car park facility and what open space they have near to their own car park facility. A brick wall also separates the surface car parking provision for the current application from the residential properties on Louis Street.
- 10.10 In addition, it is not the applicant’s intention to actively seek to increase its usage of the site over and above the present level of use. They have reported in meetings held with officers that they are experiencing massive pressures on the usage of the present buildings on the site in that they have inadequate teaching space for users of the centre. The current proposals will allow the teaching activity in particular to all take place simultaneously. Other teaching activities that this development will allow to be undertaken in a more productive manner are things like the teaching of English to those members of the community whose primary language is not English.
- 10.11 It is acknowledged that on street car parking causes a disturbance to occupiers of surrounding residential properties, however, this is a situation that exists as a result of the presence of the applicants on the site at present and it is considered that the implementation of the agreed traffic regulation order will go some way towards

dispersing this disturbance from the immediately surrounding area and providing safe road junctions for pedestrians to negotiate when attendance is high at the centre.

- 10.12 In addition to the above, the applicants have submitted a report carried out by a qualified sound engineer that indicates that noise levels on the site and those predicted for all the activities of the new development will be some 5dB below the current ambient levels of noise experienced in the vicinity of the application site. Therefore, whilst the activity on the site may intensify as a result of the granting of this planning permission its impact in terms of noise generation should not be noticeable as a result. Further, whilst a consultation response form the environment team has not been received in response to this particular application, they did respond in full to the earlier 2011 submission prior to its withdrawal. That scheme was essentially the same as this scheme (the only difference now is the amendment submitted during the processing of this application), and so the comments are relevant to both. The result of this consultation is reflected in the conditions recommend to be imposed. These conditions will ensure that there is no noise increase at the boundaries of the site.
- 10.13 A third aspect which affects both the amenities of the occupiers of the flats in Lois Street and the amenities of the general population surrounding the site is that of the hours of operation. At present there are no restrictions on the hours of use of the buildings presently on the site. This gives a degree of freedom for the occupiers to carry out activities as and when they like or was and when their religious calendar demands. There appears to be a lack of complaints as a result of this arrangement however the present proposal introduces a facility which will introduce several factors into the equation;
- A larger, more modern space is likely to be more attractive to a wider user base
 - The location of the building has a more direct relationship to residential properties than any of the other buildings on the site
 - It is the intentions of the applicants to utilise the facilitates during their religious activities for accommodating certain sections of their community during special festivals such as Ramadhan and Eid.
- 10.14 It is therefore considered that a restriction on the hours of use of this building be imposed in order to maintain control over the use of the building in the interests of neighbours amenity. To this end it is considered that a general hours of use of 08:00 – 23:00 hours be imposed for its general use as a multipurpose centre but that these times are relaxed to 08:00 – 00:30 hours during times of special festivals such as Ramadhan and Eid which are notified at the beginning of the Islamic New Year to the Chief Planning Officer in advance. This is because the festivals in the Islamic calendar are moveable according to the lunar calendar and so over time the festivals shift through the year. At present, for example, Ramadan falls in mid-summer and so the sunset and sun rise times are restricted to between approximately 21:00 and 03:30. Whereas in a few years' time, the festival will have shifted into the winter months where the sunset and sun rise times are much more generous to the practice of Fasting and breaking of that Fast, this results in prayers for those festivals been held at differing times throughout the year, year on year. The applicants have explained that at present, because there is the need for the women who attend the mosque to be separated from the men during the religious activities, they have to use the basement of the existing mosque to accommodate them. This is clearly unsatisfactory and it is their intention to use the new building once it is compete. During the religious festivals, other uses of the centre are suspended but the premises will be occupied by the women of the community until the religious activities are finished in the main mosque building. It is therefore considered appropriate to restrict the use of the building to prevent it been consistently used at unsociable hours except during those

limited times that the religious calendar of the applicants require its use.

Highways:

- 10.15 Due to the poor level of information provided by the applicants during the processing of this application there is still an outstanding objection to the proposal by the Highway Engineers. A significant consideration during the processing of this application has been the need to ensure that any increase in activity as a result of this application for planning permission should it be granted, does not result in an unacceptable overdevelopment of the site, leading to issues relating to excessive on street car parking and leading to a subsequent danger to users of the public highway. In addition to this it is also a material consideration that there are issues surrounding on street car parking at certain times during the week and during certain festivals already that this proposal may contribute towards alleviating in some small way.
- 10.16 Despite requests for additional information relating to the existing use of the site, in order that the impact of the building can be more accurately assessed, the response from the applicant has at best been sketchy. The latest information submitted by them contained the following:
- “a) Duration of use during prayer is 30 minutes except Friday prayer which is 30-60 minutes. Classes time duration are two hours.
 - b) Ramadan duration is more or less same except tarravi prayer which starts 11pm, duration here is 1.5 hour. About 500 people use this service daily in Ramadan
 - c) Eid day duration is about 2.5 hours and more than 2000 people attend this function
 - d) Sports activities are postponed in Ramadan and Eid day or funeral day and on similar situation”
- 10.17 It can be seen that there are no hours of use given by the applicants and it has only been as a result of discussions with the applicants agents that the times of 21:00 for cessation of the teaching activities and 22:00 for cessation of the use of the sports facilities has been established. The teaching activities for children, are additional teaching activities which take place after normal school hours so this takes place predominantly late afternoon into the early evening.
- 10.18 In respect of the first issue it has been the aim of officers to ensure that should planning permission be granted that the site isn't overdeveloped by default through the retention of the existing properties, numbers 46 and 48 Spencer place. If these properties were to remain on site and be utilised. It is considered that the amount of traffic that the site could generate at any one time would be far in excess of what the local road network could reasonably accommodate both in terms of highway safety and neighbours amenity, and therefore it is concluded that the development should be refused. However, as referred to above, officers have negotiated with the applicants that should planning permission be forthcoming the demolition of these properties within 6 months following occupation of the proposed new multiple purpose centre would be a necessity. Initially, the applicants were reluctant to agree a specified timescale and appeared to wish to leave the required demolition of 46 and 48 Spencer place open ended. Officers were not prepared to accept this and insisted that they agree to a time limit that would be controlled both by the imposition of a suitably worded condition and its inclusion in the requirements of an agreement to be made under section 106 of the town and country planning act 1990.
- 10.19 The applicants eventually agreed to a six month time period, which now forms part of the formal recommendation of this application to approve this development, subject to

the entering into such an agreement.

- 10.20 This, in conjunction with the requirements for the applicants to fully fund a Traffic Regulation Order which will assess the needs for parking restrictions in the immediate vicinity of the site and implement them, is considered an acceptable compromise in terms of balancing the needs and desires and aspirations of the community which this site serves and the impact that those activities will have on the wider general public. In addition, the removal of the original buildings on the site will mean that the net increase in floor space provided on the site will not be a significant as if they were to remain.
- 10.21 It is therefore considered, that given that the site is in existence, is already well used by the local Islamic community, and is seeking to enhance its provision of services to that community, that an acceptable compromise has being reached between the needs of that community and the impact that it will have in highways terms.

Loss of Trees:

- 10.22 The development of the proposed multipurpose building will result in the loss of some significant trees that are protected by a Tree Preservation Order. These trees are located on the boundary of 42 Spencer Place and the site of the existing Mosque building complex. They will be lost due to the size of the building proposed and the laying out of the access from Spencer Place and the external car park provision shown on the submitted drawings. The loss of these trees is objected to by the Landcape Officer. They do however sterilise the development potential of the site due to their location. A replacement tree planting plan has been submitted showing the replacement of trees with seven Heavy Standard trees which will go towards the mitigation of this loss, however it is considered that this in itself will be insufficient to justify the loss of those trees presently protected by the TPO. To this end it is anticipated that the remediation of the site following the demolition of 46 and 48 Spencer Place will include the planting of further trees that will mitigate this loss even further and place those trees in a location where their longevity will be at a lesser risk than a more central location of the site.

Section 106 Requirements:

- 10.23 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is all of the following:
- necessary to make the development acceptable in planning terms. Planning obligations should be used to make acceptable development which would otherwise be unacceptable in planning terms.
 - directly related to the development. Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement.
 - fairly and reasonably related in scale and kind to the development Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.
- 10.24 According to the guidance, unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make development acceptable in planning terms. The planning obligations considered necessary for this development to be acceptable include the following:

- The timely demolition of the existing properties of 46 and 48 Spencer Place, being the properties where the activities that are to take place in the new building are presently taking place.
- The funding and implementation of a Traffic Regulation Order.

Equality:

10.25 The Equality Act 2010 requires public bodies to have due regard to eliminate discrimination and to advance equality of opportunity, under Section 149 a public body as the following duty:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
 - b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
 - c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*
- 2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - a) *remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;*
 - b) *take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;*
 - c) *encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.*

10.26 In regards to this application for planning permission it is considered that the duty to regard Equality as required under Section 149 of the Equality Act extends to the equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. To this end, it is considered that in granting planning permission for the multi-purpose building, that due consideration has been given to the needs of the local community which the applicant intends to benefit from its provision. The classrooms and multipurpose hall will provide an opportunity for that community to exercise the needs of their faith in that provision for the religious education of their community which can take place where it will not be available otherwise. It will also allow special events connected to their religious practices to take place in an environment conducive to such activities.

11.0 CONCLUSIONS:

11.1 It is clear that the Leeds Islamic centre is a popular location for members of the Islamic community to attend and its popularity appears to be continuing unabated. It is natural that the applicants wish to expand the facilities that they offer to the Islamic community, and in terms of making this provision the local authority are in full support. However, this needs to be balanced against the impact that such provision makes on wider issues of amenity and highway safety. It is considered that by negotiating with the applicants over a period of time that they have come to an understanding in relation to the needs of the authority to protect those wider interests and have agreed

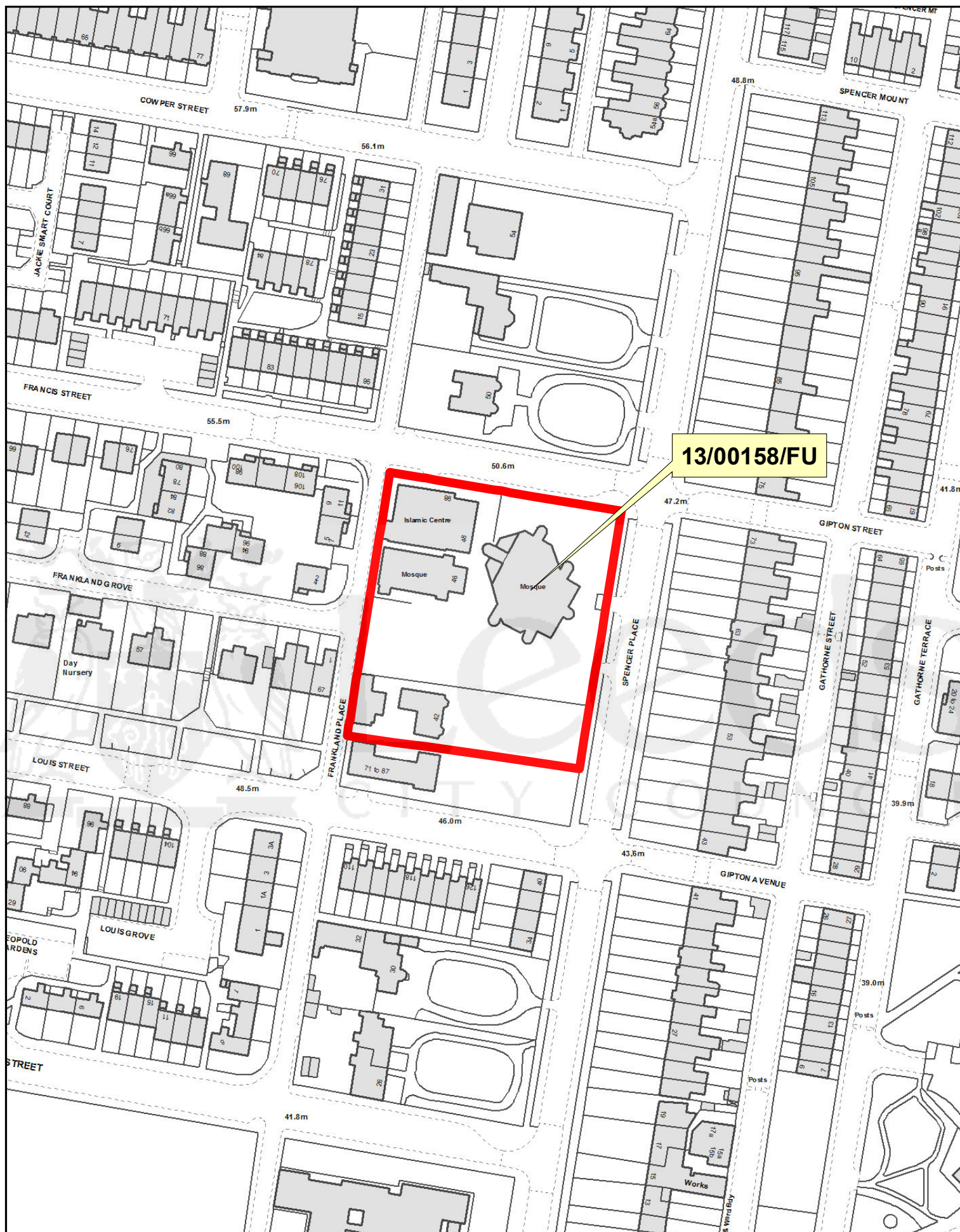
to enter into an agreement that will make provision for the local authority to control the development of this site somewhat.

- 11.2 Taking into account the amended form of the proposed multipurpose building, the agreement to demolish the original mosque building and existing multi-use centre at 46 and 48 Spencer Place, and the agreement to fully fund a Traffic Regulation Order that the development is now on balance considered acceptable, subject to the conditions outlined above. The development is therefore considered to be in compliance with policies of the Councils UDPR and with the advice contained within the NPPF.

Background Papers:

Application files: 13/00158/FU

Certificate of ownership: Signed by applicant as owner



NORTH AND EAST PLANS PANEL

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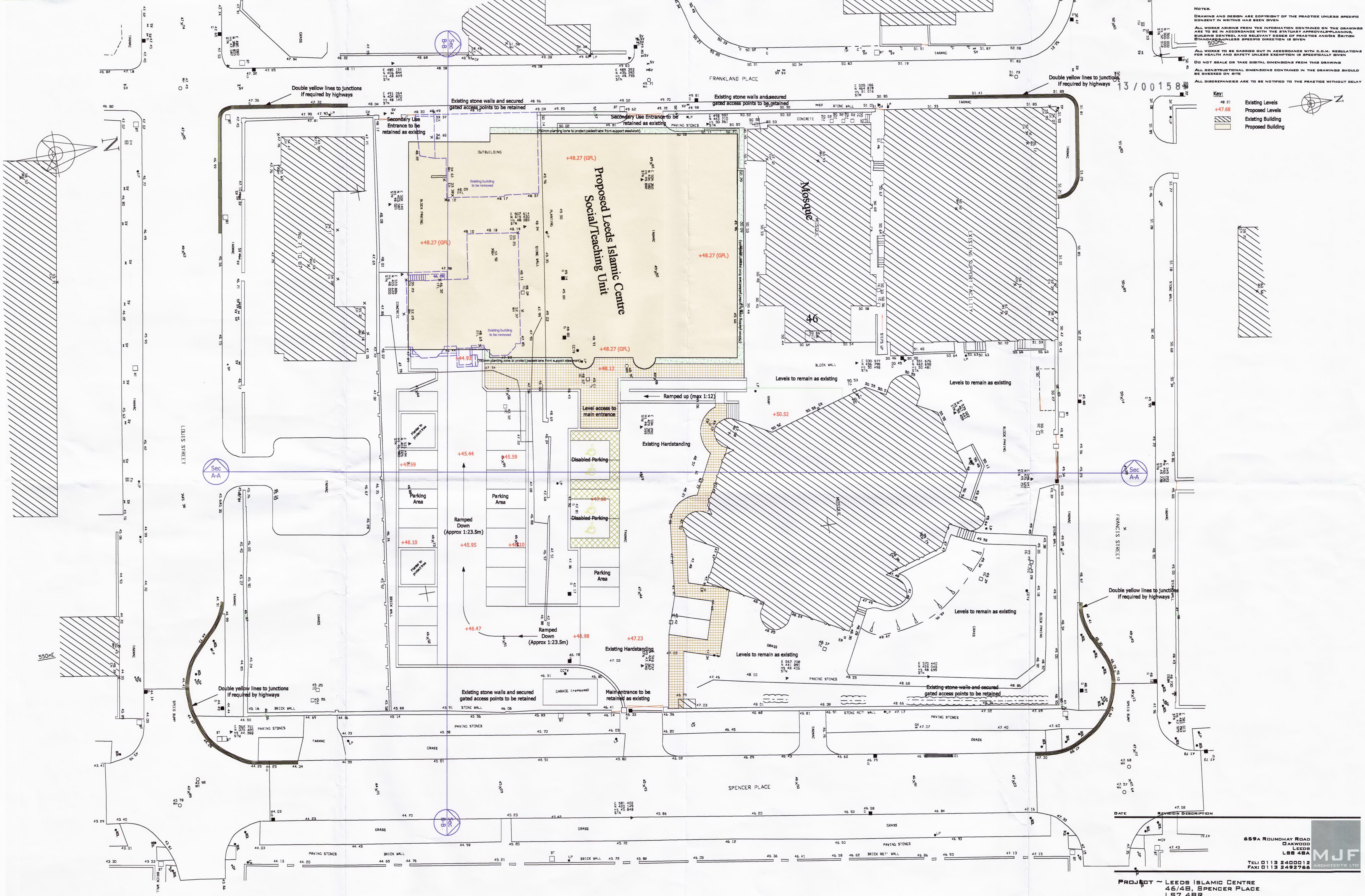
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SCALE : 1/1500



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Key:
48.21 Existing Levels
+47.68 Proposed Levels
Existing Building
Proposed Building



DATE: _____

REVISION DESCRIPTION:

1	ISSUED FOR TENDERS
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659A ROUNDHAY ROAD
DARWOOD
LEEDS
LS8 4BA

MJF
ARCHITECTS LTD

TEL: 0113 2400012
FAX: 0113 2492766

PROJECT ~ LEEDS ISLAMIC CENTRE
46/4B, SPENCER PLACE
LS7 4BR

DRAWING DESCRIPTION: ~ PROPOSED SITE PLAN

CLIENT: ~ LEEDS ISLAMIC CENTRE
SCALE: ~ 1:200 @ A1
DRAWN/CHECKED BY: ~ DJH/SJ
DRAWING NUMBER: ~ 1147-01