



Report of the Chief Planning Officer

Plans Panel North and East

Date: 25th June 2015

Subject: 15/02121/FU Change of use of houses (C3) to form educational facilities and cultural learning centre (D1) at 15 and 17 Sandhurst Road, Leeds LS8.

APPLICANT

LECS Education Centre
LTD- Prof Abdul Rehman

DATE VALID

21st April 2015

TARGET DATE

16th June 2015

Electoral Wards Affected:

Gipton & Harehills

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: REFUSE on the following grounds:

1. The Local Planning Authority considers the development to represent an over intensive use of the application properties which results in a high level of activity and associated comings and goings, including vehicle movements and accordingly has a significant detrimental impact on the living conditions of nearby residents through noise and disturbance. Accordingly, the development is contrary to the adopted Core Strategy (2014) policy P9, saved UDP Review (2006) policy GP5 and the general guidance within the NPPF which seeks to ensure development proposals do not adversely impact on and are appropriate to their surroundings.
2. The Local Planning Authority considers the scale of the use attracts significant vehicle movements to the site and a demand for parking which cannot be accommodated thereby resulting in indiscriminate parking along Sandhurst Road which is already heavily parked to the detriment of the free and safe operation of the local highway network. The development is therefore contrary to adopted Core Strategy (2014) policy T2 and saved Unitary Development Plan (Review 2006) policies GP5 and T24 and the guidance contained within the NPPF which seeks to ensure the highway impacts of development are acceptable.

1.0 INTRODUCTION:

- 1.1 This planning application is brought to Plans Panel North and East because of the proposed use in terms of its potential impact on surrounding residents and because similar schemes in the area have also been considered by the Panel previously.
- 1.2 The use is a community use and is also ongoing and if planning permission is refused then the council in all likelihood will proceed to take enforcement action to seek the cessation of the use. The applicant has set out that the use has been ongoing since 2006 but this has not been substantiated by evidence that details the nature and extent of that use.

2.0 PROPOSAL:

- 2.1 This planning application seeks to retain the use of two mid-terraced dwellinghouses as a children's educational and cultural learning centre. The internal accommodation within each of the properties comprises:

Basement:	2 storage rooms
Ground floor:	2 classrooms
First floor:	1 classroom; bathroom and office (at No.15)/ storage room (at No.17)
Second floor:	2 classrooms

- 2.2 The centre is understood to employ 5 part-time staff and classes take place at the following times:

16.00-20.00hours (Mon- Fri)

10.00-20.00hrs (Sat & Sun)

- 2.3 The applicant has provided the following additional information regarding the use of the site:

- The use of No.15 and 17 Sandhurst Road for educational purposes began back in September 2006 with works associated with the proposed use completed in September 2013.
- The proposal seeks to provide education for children through religious and social activities after school.
- Each classroom will be capable of accommodating 10 students resulting in up to 50 children per property.

- 2.4 No external alterations to the application properties have been carried out.

- 2.5 The application is accompanied by letters of support from Ward Councillors Hussain and Maqsood. As reported within the section 6 of this report, Councillor Maqsood now objects to the application.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site lies to the northern side of Sandhurst Road and contains two mature red brick two storey mid-terrace dwellings. The dwellings stand to the back edge of the pavement and have a yard to the rear, accessed via the alley-gated Back Sandhurst Road. Both No.15 and 17 have dormer extensions to the front and rear roof planes.
- 3.2 Sandhurst Road lies off Harehills Lane and gently rises to the east and is characterised by a dense arrangement of two storey red brick through terrace dwellings. The area is residential in nature although commercial properties are visible along Harehills Lane.

4.0 RELEVANT PLANNING/ENFORCEMENT HISTORY:

4.1 Application site:

ENF/13/01060/BUDP3 Use of domestic properties for educational purposes (Relating to No. 17).

ENF/13/00945/BUDP3 Use of domestic property for educational purposes (Relating to No. 15).

ENF/09/01381/BUDP3 Unauthorised change of use from residential to business (Relating to No. 15 – case closed as no breach identified).

4.2 Nearby similar applications:

14/01679/FU Change of use of 2 dwellings to education centre at Nos. 1-3 Sandhurst Avenue- Approved (24/07/14).

14/05517/FU Change of use of dwelling to community learning centre at Nos. 5-7 Sandhurst Avenue- Approved (09/01/15).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 None undertaken as this is a retrospective application which the applicant is seeking to regularise.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by site notice posted adjacent to the site dated 8th May 2015. Letters of representation have been received from 10 households in response to the public notification process.

- 6.2 The letters of objection received cite the following summarised grounds:

- Traffic in street is very bad- parents drop-off/pick-up block street; cars trying to park just gridlock the street; can't park outside own house; damage to residents cars; traffic increased ridiculously over past 2 years.
- Noise from 4pm-8pm is unbearable (chants and prayers by megaphone; should not have to hear in own home Mon-Sun; when windows are open it is louder)

- Applicant should use the mosque nearby to teach classes- avoid disrupting neighbours; unfair on local residents and is a nuisance; business in heart of residential area; the applicant needs proper premises.
- So many children in premises are a Health & Safety issue; safety of children on street.
- Litter on street is ridiculous.

6.3 Ward Cllr Maqsood has raised an objection to the application given the high volume of objections received from local residents.

6.4 Ward Cllr Harington queried the appropriateness of the properties for educational use, reported parking problems along street and questioned health and safety. In addition, Ward Cllr Harington relayed conversations from residents who were objecting to the application (on grounds of increased parking; noise from classes; health and safety with so many children) and another group who said these concerns were not justified.

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 None.

Non-statutory:

7.2 Highways: Objection. The numbers of students attending (alongside staff) is significant and the use of two family dwellinghouses in such an intensive use cannot be supported. The proposal is also detrimental to highway safety.

8.0 PLANNING POLICIES:

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

Local Planning Policy

8.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are considered to be relevant:

- SP4: Identifies East Leeds as an area given priority for regeneration funding and resources.
- P9: States that access to local community facilities and services, such as education is important to the health and wellbeing of a neighbourhood. Facilities and services should not adversely impact on residential amenity and should where possible, and appropriate, be located in centres with other community uses.
- P10: Seeks to ensure that new development is well designed and respect its context.
- T2: Seeks to ensure that new development does not harm highway safety.

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

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

BD5: Seeks to ensure new development protects amenity.

T24: Provides guidance on parking requirements for different uses.

8.4 No policies within the Natural Resources and Waste DPD (2013) are considered to be relevant:

8.5 Supplementary Planning Guidance:
Street Design Guide (SPD, adopted)

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

8.7 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. It is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

8.8 The NPPF gives a presumption in favour of sustainable development and identifies its social role, '*supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations... with accessible local services that reflects the communities needs and support its health, social and cultural well-being*' (para.7, NPPF). Moreover, the NPPF identifies a range of core planning principles which should to underpin decision-making and these include, '*to seek a good standard of amenity for all existing and future occupants of land/ buildings*' and '*deliver community and cultural facilities and services to meet local needs*'. Highway safety issues also need to be fully considered as part of any development proposals.

9.0 MAIN ISSUES

1. Principle of development
2. Impact on residential amenity
3. Highway implications
4. Other matters

10.0 APPRAISAL

Principle of development:

- 10.1 This application seeks to retain a children's educational facility for religious and social activities held during out-of-school hours currently operating out of two mid terraced properties. The applicant has advised that the provision of the classes started back in 2006. As set out in the introduction this has not been substantiated but if this is correct over the intervening years it would appear the level of activity at the properties has increased. Residential council tax has only ever been paid for these properties.
- 10.2 Policy P9 of the Core Strategy lends support to the principle of such uses recognising their importance to health and wellbeing of a neighbourhood. However, the policy also states that such uses should not adversely affect residential amenity. It is not uncommon for these types of uses to be located within residential areas and accessible to the local community and generally no objection would be raised to the introduction of such a use within a residential setting providing no adverse residential amenity or highway safety impacts arise. Indeed, it is recognised that planning permission has recently been granted to convert dwellings to community education centres on a nearby street, Sandhurst Avenue (Nos. 1-3 and 5-7). These proposals related to two pairs of semi-detached dwellings and it was considered that the scale of their use coupled with the provision of off-street parking and controls on the activities and opening times they would not harm the amenity of nearby residents.
- 10.3 The proposed change of use clearly involves the loss of two houses from the local area which runs counter to the Council's requirement to deliver additional housing. Officers are mindful of this and ordinarily the loss of existing serviceable housing stock would be resisted, however in this situation a community facility is proposed to serve the needs of local residents. In this respect whilst the loss of units from the overall housing stock is regrettable, the community benefits associated with improved local facilities is considered to outweigh any impact on housing numbers and the principle could be supported in this instance subject to all other considerations being acceptable.

Impact on residential amenity:

- 10.4 As discussed above, educational uses are commonly located in residential settings and this is the case here. Accordingly, it is appropriate to give due regard to the impact of the use on the amenity of those nearby residents.
- 10.5 The applicant has outlined the scale and operation of the proposed use. The submitted floor plans indicate that much of the properties are given over to classroom space with additional storage rooms and a bathroom. Each dwelling accommodates five classrooms with the potential for each classroom to cater for up to 10 children. This means that in all, the application proposal has the potential to accommodate up to 100 children at any one time during each educational session. These sessions are held during the late afternoon/ evening time on weekdays and morning and afternoon/ evening times at weekends.
- 10.6 The application properties are mature mid-terrace dwellings surrounded by residential properties. The properties provide limited outdoor space (yard to the rear) and are reliant on on-street parking for occupiers and visitors. By virtue of the terraced nature of the surroundings this residential area is densely formed and brings neighbours in close proximity to one another so they are more susceptible to changes in activity at the premises and the associated comings and goings at neighbouring properties.
- 10.7 The application properties are modest sized terrace properties and the potential number of children attending the educational sessions is significant. Considering the

educational sessions are concentrated during the evenings at a frequency of seven days a week the comings and goings at the premises occur at a time where neighbouring residents would have the reasonable expectation to relax and enjoy their own homes without undue disturbance.

- 10.8 The sheer volume of children attending would inevitably result in pick-ups and drop-offs by car and competition for parking spaces and congestion outside the premises are issues reported by neighbours. The combined activity of the opening and shutting of car doors; stationary engines running; talking and shouting of children/ parents entering and leaving the premises at the levels proposed is considered unreasonable and harmful to the residential amenity of neighbours.
- 10.9 Whilst the activities associated with the educational use could be contained within the fabric of the building it is inevitable that the windows will need to be opened (especially during summer months) and voices/ shouting from children or tutors will spill out onto the street and disturb neighbours. It is clear from the objections received that local residents experience a loss of amenity.
- 10.10 Ultimately, it is considered that the given the modest size of the properties and the position within a residential street that it is unsuitable for level of activity proposed. The absence of any meaningful amenity space or off-street parking provision would mean the activities take place in close proximity to neighbours to the detriment of their amenity.

Highways implications:

- 10.11 It is recognised that the nature of the proposed use is likely to mean that children would walk or cycle to the premises and that the majority of car journeys generated are likely to be a drop-off/ pick up activity rather than long stay parking. However, the numbers of children attending is of such volume that Highways Officers consider that significant issues with on-street parking would be generated which could even impact onto Harehills Lane. The dense residential nature of this locality with through-terraces means that existing residents have no off-street car parking provision and are reliant on on-street parking which are often at or near capacity in terms of on-street parking. Accordingly, the proposed change of use of two family dwellings into such an intensive use is considered to be detrimental to highway safety.

Other matters:

- 10.12 The proposals have been made by a particular group to educate children through religious and social activities. The application has been determined on the basis of planning policies and guidance which have been subject to relevant equality assessments and involvement processes, and, as noted above, in the light of the policies within the adopted development plan which seek to ensure the provision of and access to community facilities for all sections of the population. The application has been assessed solely on its planning merits and in the light of this policy and guidance. This includes given due weight to the benefits of the development against any harm caused by the use.

11.0 CONCLUSION

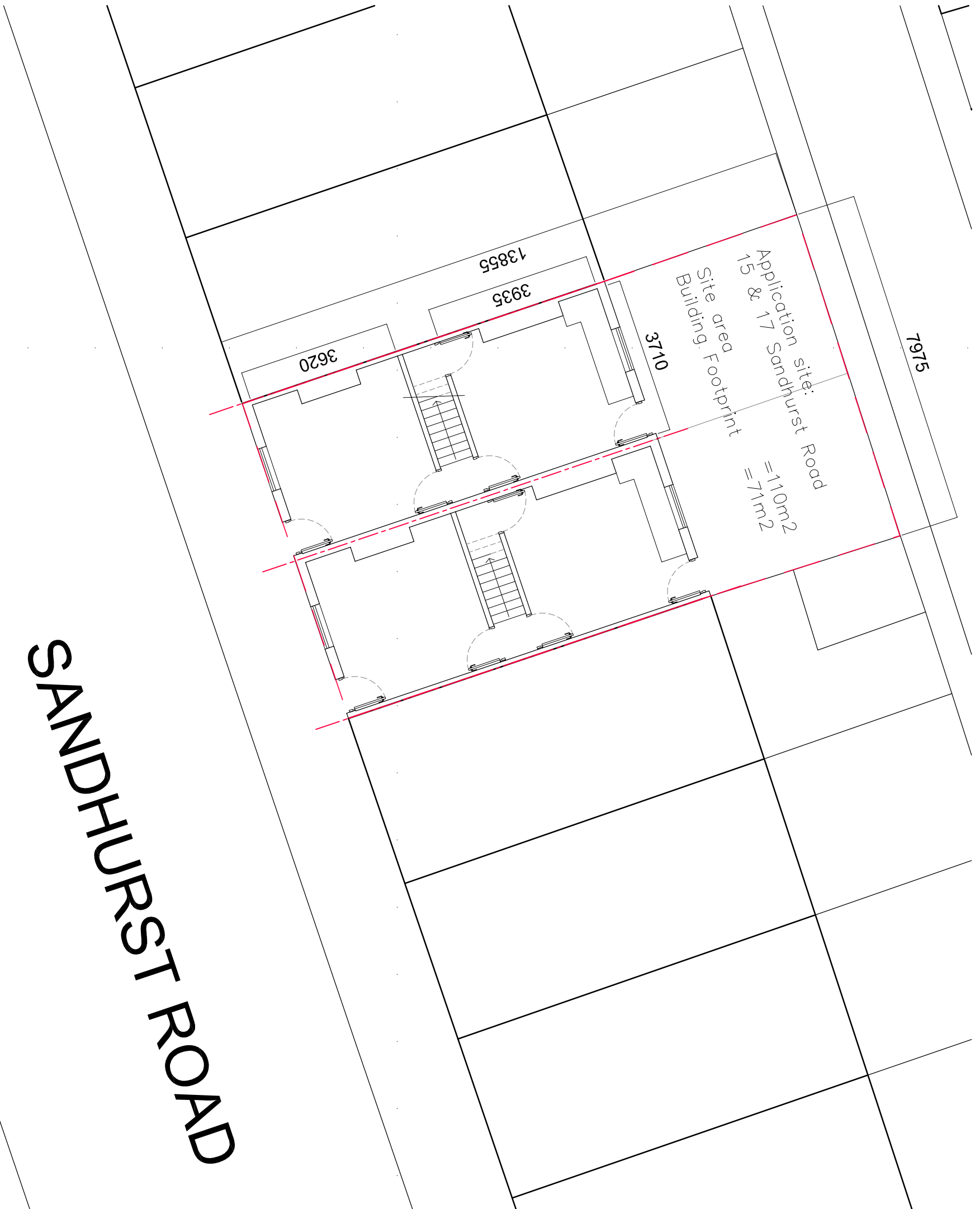
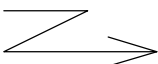
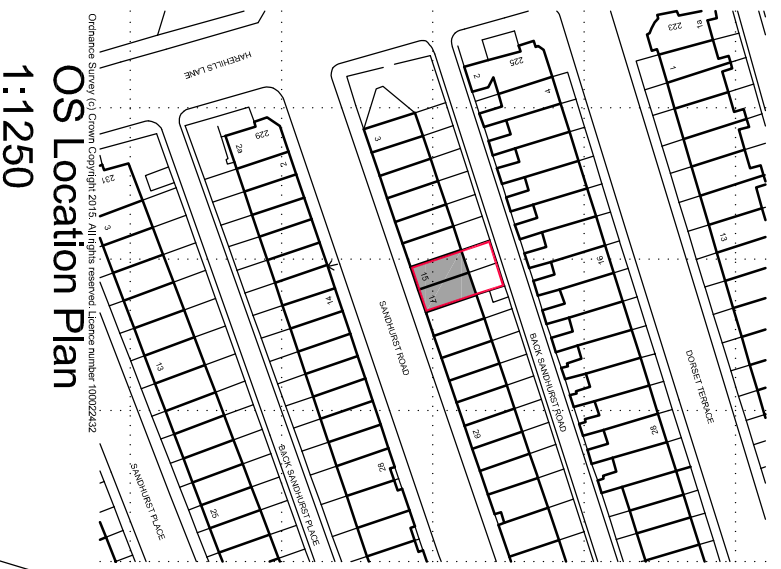
- 11.1 The proposed development is considered to be sound in principle as the loss of two residential properties to a community use is not considered to amount to a reason

for refusal in its own right. However, by virtue of the scale of the proposed use and the close proximity of the premises to neighbouring terraces the proposal results in serious amenity issues for nearby residents and prejudice the interests of highway safety. Consequently the application is recommended for refusal.

Background Papers:

Application and history files.

The appointed planning agent has certified that the requisite notice has been served to the land owners (Abdul Majeed Sabir and Mohammed Farooq) on 14th April 2015.



Site Plan
1:100

OS Location Plan Site Plan

GENERAL NOTES:
 STRUCTURAL ALTERATIONS SUBJECT TO STRUCTURAL ENGINEERS COMMENTS AND DESIGN. CALCULATIONS SHALL BE OBTAINED BY THE APPOINTED BUILDING CONTRACTOR AND SUBMITTED FOR APPROVAL BEFORE WORKS COMMENCE ON SITE.
 ALL WORKS TO BE CARRIED OUT TO THE LATEST BUILDING REGULATIONS, BRITISH STANDARDS AND APPROVED CODES OF PRACTICE.
 WHERE FURTHER CLARIFICATIONS, AMENDMENTS OR ADDITIONAL WORKS ARE REQUIRED CONTRACTORS SHALL REFER TO THE CLIENTS FOR FURTHER DETAILS AND INSTRUCTIONS.
 ALL MATERIALS AND DETAILS TO BE PROVIDED BY THE CONTRACTOR FOR CLIENT APPROVAL.

Contractor must verify all dimensions on site before commencing any work or stop drawings. If this drawing exceeds the quantities taken in any way the Architects are to be informed before the work is started.
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SANDHURST ROAD



Client	Prof. Abdul Rehman	Project Name	Change of Use from Residential (C3) to Educational Facilities (D1)
Site Address	15 & 17 Sandhurst Road LS8 3QP	Scale	1:1250 1:100
Out-Drawing Reference	1510 (PL) 001	Revision	A
		Sheet	A3
		Date	April 2015
		By	CJA



NORTH AND EAST PLANS PANEL

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