



Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 27th August 2015

Subject: Planning Application 14/07389/FU – Change of use from public house (Class A4) to community education and training centre (Class D1) at The Kiln, Brignall Garth, Leeds, LS9 7HB.

APPLICANT

Ayendahsazan Hub

DATE VALID

7th January 2015

TARGET DATE

28th August 2015

Electoral Wards Affected:

Burmantofts & Richmond Hill

Yes Ward Members consulted

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT permission subject to the following conditions:

1. Time limit - 3 years
2. Development to be carried out in accordance with the approved plans
3. Use restricted to a training and education use within Class D1 (non-residential institutions)
4. Maximum of 15 people attending classes at any one time
5. Opening hours restricted to 10am – 8pm, Monday to Sunday
6. Details of any boundary treatments to be submitted and approved
7. Scheme for removal of existing grilles to be submitted and approved

1.0 INTRODUCTION:

- 1.1 This full planning application is presented to Plans Panel at the request of Ward Members due to the local sensitivity of the proposals.
- 1.2 The former public house, known as The Kiln, closed in 2011 following a shooting and other crime and disorder problems, resulting in the pub losing its license. The building has been vacant ever since that time. The Ayendahsazan Hub purchased the site and

are now seeking to use the building as a community hub, specifically as an education and training centre.

2.0 PROPOSAL:

- 2.1 The application proposes the change of use of a former public house (Class A4) to a community education and training centre (Class D1). The Ayendahsazan Hub is an Afghan community group and the proposed community use is directed at the Afghan community in the wider Harehills area, though users from other backgrounds are welcome.
- 2.2 It is understood that the centre will be used as an education centre, primarily for the teaching of English and Maths. Classes will be taught as separate male and female classes. Classes will be booked in advance to a scheduled timetable that will operate between the hours of 10am and 8pm. In terms of employees, it is understood that there will be 3 part-time employees, who will attend on a weekly rota basis. It is stated that 10 – 15 people will attend the centre at any one time.
- 2.3 Following feedback from local residents, Ward Members and officers, the applicant has agreed not to erect a perimeter fence around the site and has also agreed to remove the external grilles around the property.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site relates to that of a former public house, known as The Kiln. The building is largely single-storey, though part of it is two-storey. The single-storey elements are flat roofed and are either faced with brown brick or stone cladding. The two-storey element has a pitched roof and is faced with brick and render. The building is located within a relatively large site, mainly hard surfaced with tarmac, cobble setts and concrete paving slabs.
- 3.2 A landscaped amenity area exists immediately to the west of the site and an electricity sub-station, garage block and grassed area exist immediately to the east. The surrounding area is residential in character, comprising two-storey houses of late C20th appearance, faced in brick and render. Three high rise blocks exist a short distance away to the south.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 During the course of the application, officers have briefed Ward Members and also attended a public meeting with local residents on 3rd February 2015. Concerns raised by local residents included querying what the building would be used for, the potential impact on car parking, security and anti-social behaviour. As described above, the applicant has clarified the intended use of the building and has also made endeavours to make contact with the immediate local residents by posting flyers to explain who they are and what they are seeking to do.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 2 site notices have been displayed, posted 16th January 2015.
- 6.2 10 letters of representation have been received, raising the following concerns:
- There are already severe parking problems due to the schools on Stoney Rock Lane. The pub car park is small and can only hold 8-10 cars.
 - What will the centre be used for? It is noted that there are already community / drop in centres nearby.
 - Why does that centre need to open until 11pm? There were enough problems when the pub was open.
 - Community consultation should have been undertaken before the application was submitted.
 - All residents should have been notified of the proposals by letter.
 - Works have been taking place at the site since November / December 2014.
 - The proposals will only benefit one minority group and will not benefit all of the community.
 - The proposal for separate male and female classes is contrary to equal opportunities legislation.
 - There are enough education facilities in the surrounding area already and which could also accommodate later evening classes.
 - Concern that the centre may be used as a place of worship.
 - The site would be better developed for housing.

7.0 CONSULTATION RESPONSES:

- 7.1 Highways: - Concerns were raised in relation to the proposals as originally submitted, due to the lack of information. Following the submission of further information setting out how the centre is to operate, no objections are raised, subject to the imposition of conditions to ensure that the building is retained as an education and training centre and is operated in the manner specified.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy (2014), saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013). The Site Allocations Plan is emerging and is due to be deposited for Publication at the end of the Summer 2015.

Adopted Core Strategy:

- 8.2 The Core Strategy is the development plan for the whole of the Leeds district. The Core Strategy (CS) was Adopted in November 2014. The following CS policies are relevant:

Policy P9	Community facilities and other services.
Policy T2	Accessibility requirements and new development.

Leeds Unitary Development Plan (UDP) Review:

8.3 The application site is unallocated within the UDP.

Policies of relevance are:

Policy GP5	General planning considerations
Policy T24	Parking provision for new development

Supplementary Planning Guidance / Documents:

8.4 SPD Street Design Guide (adopted)

National Planning Guidance:

8.5 National Planning Policy Framework – Paras. 69 and 70 emphasise the importance of promoting community facilities.

9.0 MAIN ISSUES

- Principle of development
- Residential amenity
- Equality issues
- Highway impact

10.0 APPRAISAL

Principle of development

10.1 The application relates to the reuse of an existing vacant building for community use. The facility will be located in an area which is located within a residential area which is generally well served by public transport. Policy P9 lends support to the principle of such facilities where they are accessible by means other than the private car and that they should not adversely impact on residential amenity. Subject to the detailed technical matters discussed below, the principle of development is considered to be acceptable.

Residential amenity

10.2 As a result of the negotiations to date, the applicant has confirmed that the proposed use is as an education and training centre. It is possible to impose a condition to restrict the use specifically to this operation such that it cannot be used for any other purpose falling within Class D1. This addresses the concern that the site could be used for other purposes, but allows some flexibility in that other subjects can be taught in addition to English and Maths. A condition can also be imposed to restrict the numbers of people who can attend classes at any one time, ensuring that any likely car parking requirement can be accommodated within the site without displacement onto the surrounding streets. This helps to address the concern that the use could exacerbate the existing on street parking difficulties that residents have referred to.

10.3 It is also worth noting that the fall-back position is that the site could continue to operate as a pub (subject to obtaining a licence), but could also change to other uses

as Permitted Development – to A1 (retail), A2 (financial and professional services) or A3 (restaurants and cafes) without requiring planning permission. These uses could have a more detrimental impact than the proposed learning centre use.

Equality issues

- 10.4 Section 149 of the Equality Act 2010 requires public bodies to have due regard to eliminate discrimination and to advance equality of opportunity. Of specific relevance to this application is the need to promote equality of opportunity and good relations between persons of different racial groups.
- 10.5 In the context of this planning application, it is acknowledged that the use results in the loss of a public house. However, this use lost its licence due to criminal activity and the building has been vacant ever since. The proposed use offers an opportunity to reuse the building in a positive way in order to facilitate the teaching of English and Maths, primarily to a minority ethnic group, the local Afghan community. The positive effect of this use will be the skills learnt by participants in order to improve their life chances, such as obtaining jobs for example, therefore 'narrowing the gap' and enhancing the potential for social mobility. The potential negative impact is in relation to increased demand for car parking provision. However, given the conditions suggested restricting the use and the number of users, it is considered that these issues can be satisfactorily addressed. Overall, the benefits of the scheme are a material consideration in the determination of this planning application, albeit they are not considered to be integral to the decision.
- 10.6 It is noted that some letters of representation refer to the proposal for male and female classes. Whilst the planning system can control the nature of the use, it would not be appropriate to control how the classes are run as this is beyond the planning remit.

Highway impact

- 10.7 Highway officers initially expressed concern due to the limited car parking and on-street parking availability at present, given that much of the surrounding area is covered by residential permit zones. Accordingly, a more intensive form of community centre would not be acceptable.
- 10.8 In light of the above and the approach to the use of conditions, highway officers have indicated that the use is acceptable, provided that it is restricted to a non-residential education and training use, to be operated along the lines described. It is therefore considered that the proposals will have no detrimental highway impact.

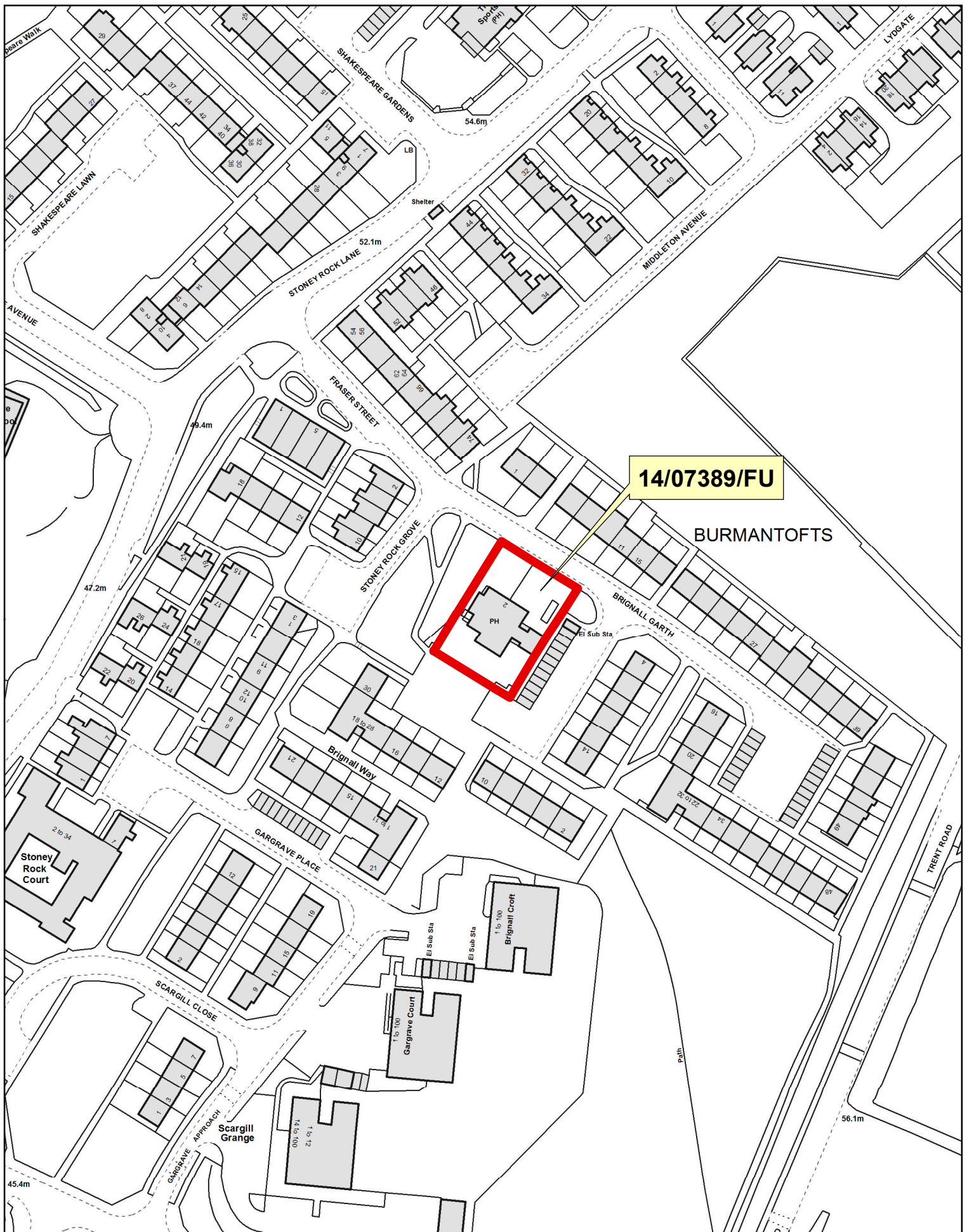
11.0 CONCLUSION

- 11.1 The proposed education and training centre is considered to offer a positive opportunity to bring a vacant and derelict pub site back into use for the benefit of the wider community, albeit led by a specific group in that community. The proposal offers the potential to promote social inclusion and provide people with tangible skills to benefit them in their wider lives. Given the negotiations that have taken place, it is considered that, subject to the suggested conditions, the scheme will have no significant detrimental impact on residential amenity and will not have any discernible highway impact. The proposal has been given due regard, as required by Section 149 of the Equality Act 2010 and is considered appropriate for the reasons set out above. The application is therefore recommended for approval.

Background Papers:

Application and history files.

Certificate of Ownership – Signed as applicant



14/07389/FU

BURMANTOFTS

NORTH AND EAST PLANS PANEL

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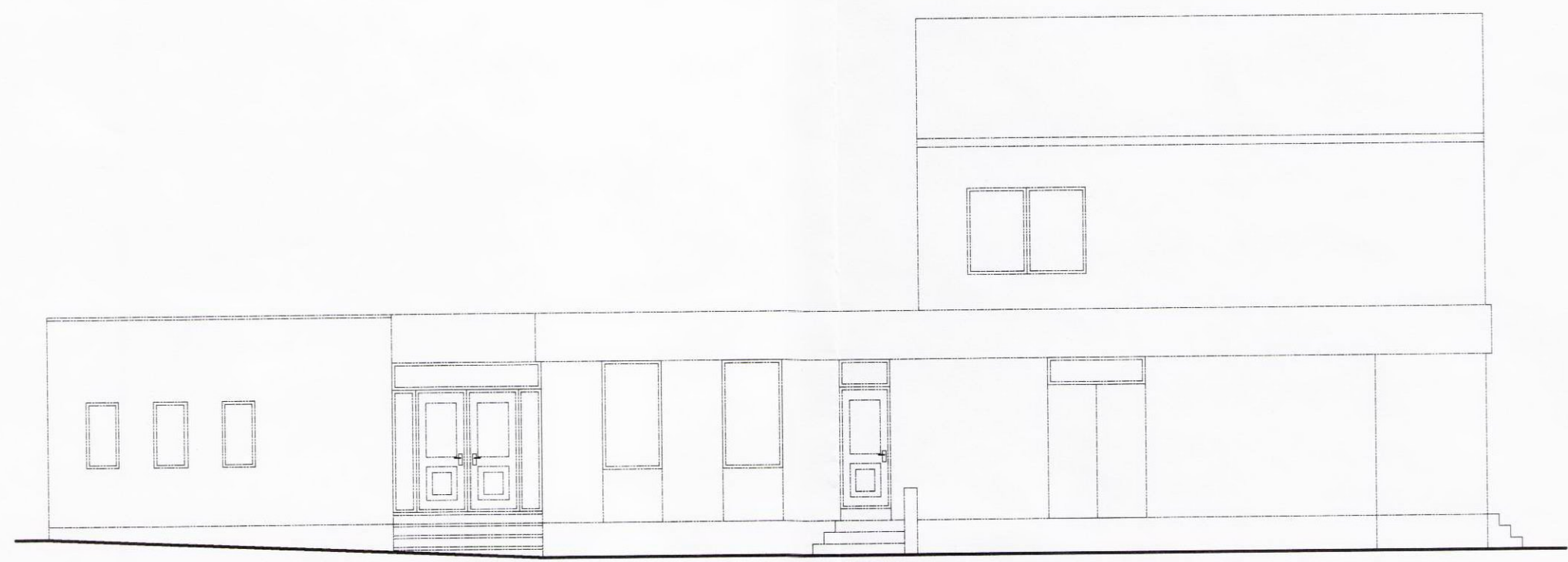
PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

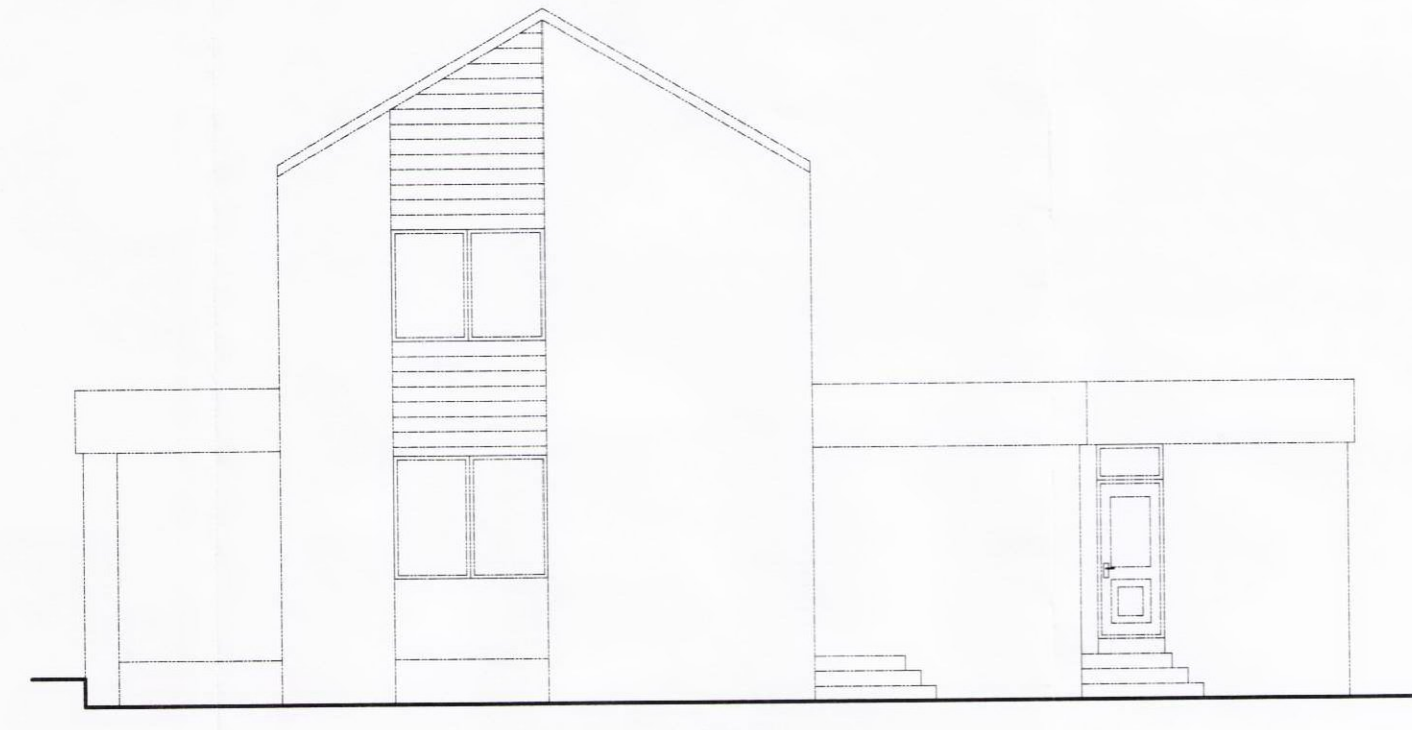


Note:

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS & CODES OF PRACTICE.
ALL DIMENSIONS TO BE CHECKED ON SITE.
ALL DIMENSIONS IN MILLIMETRES.
DO NOT SCALE FROM THIS DRAWING.

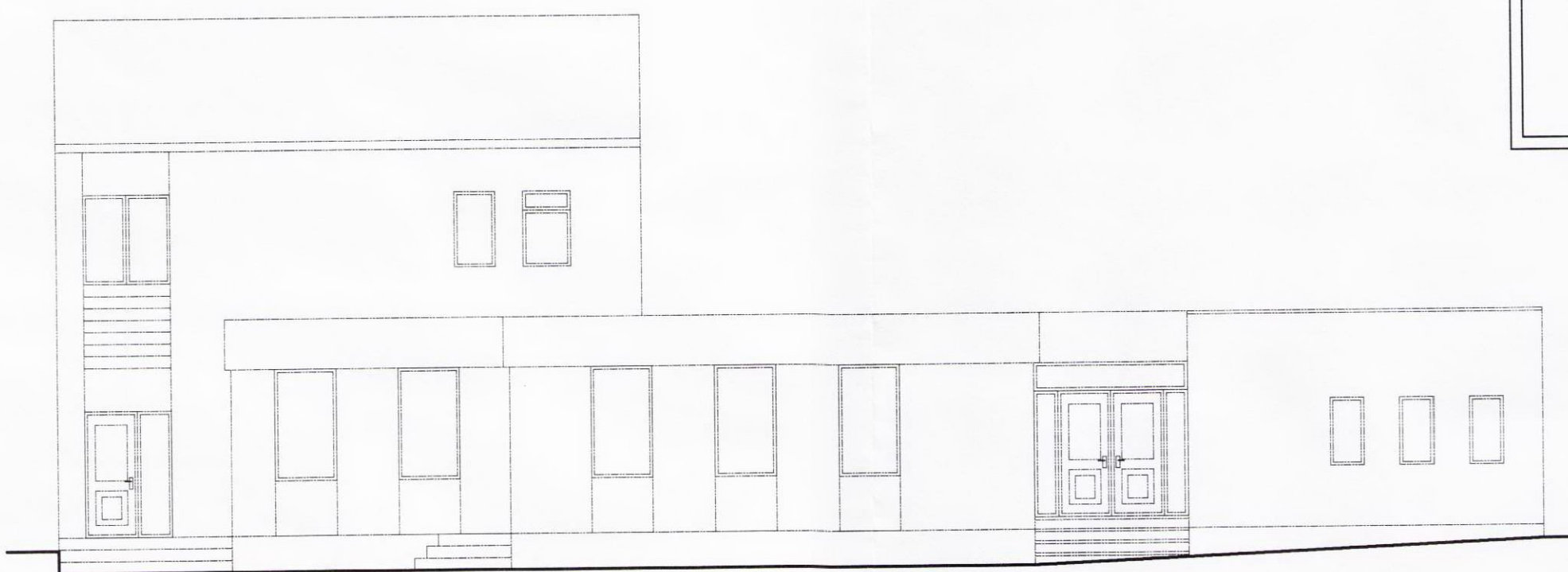


BRIGNALL GARTH
EXISTING FRONT ELEVATION

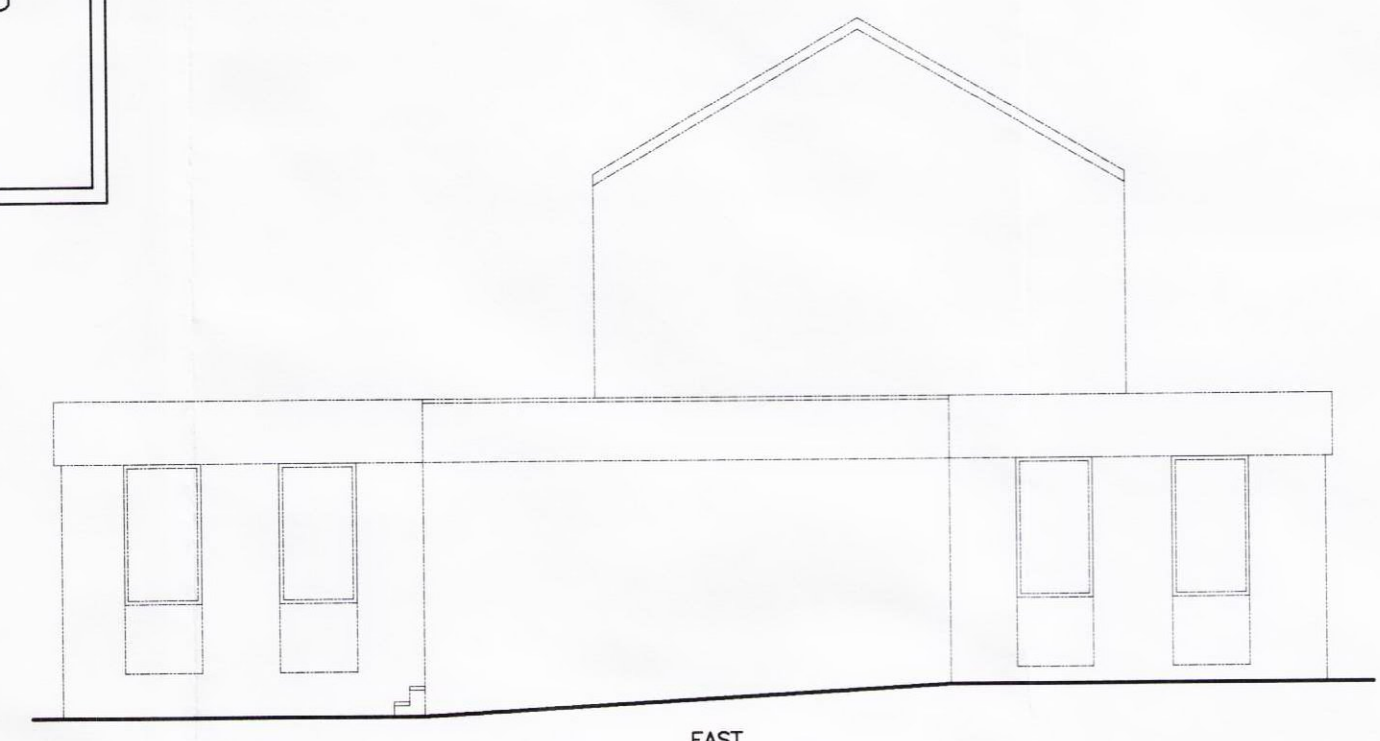


WEST
EXISTING SIDE ELEVATION

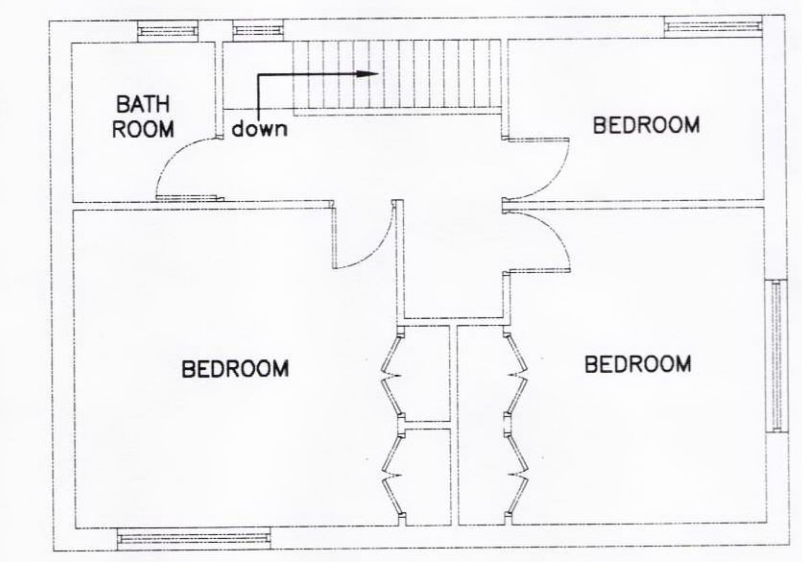
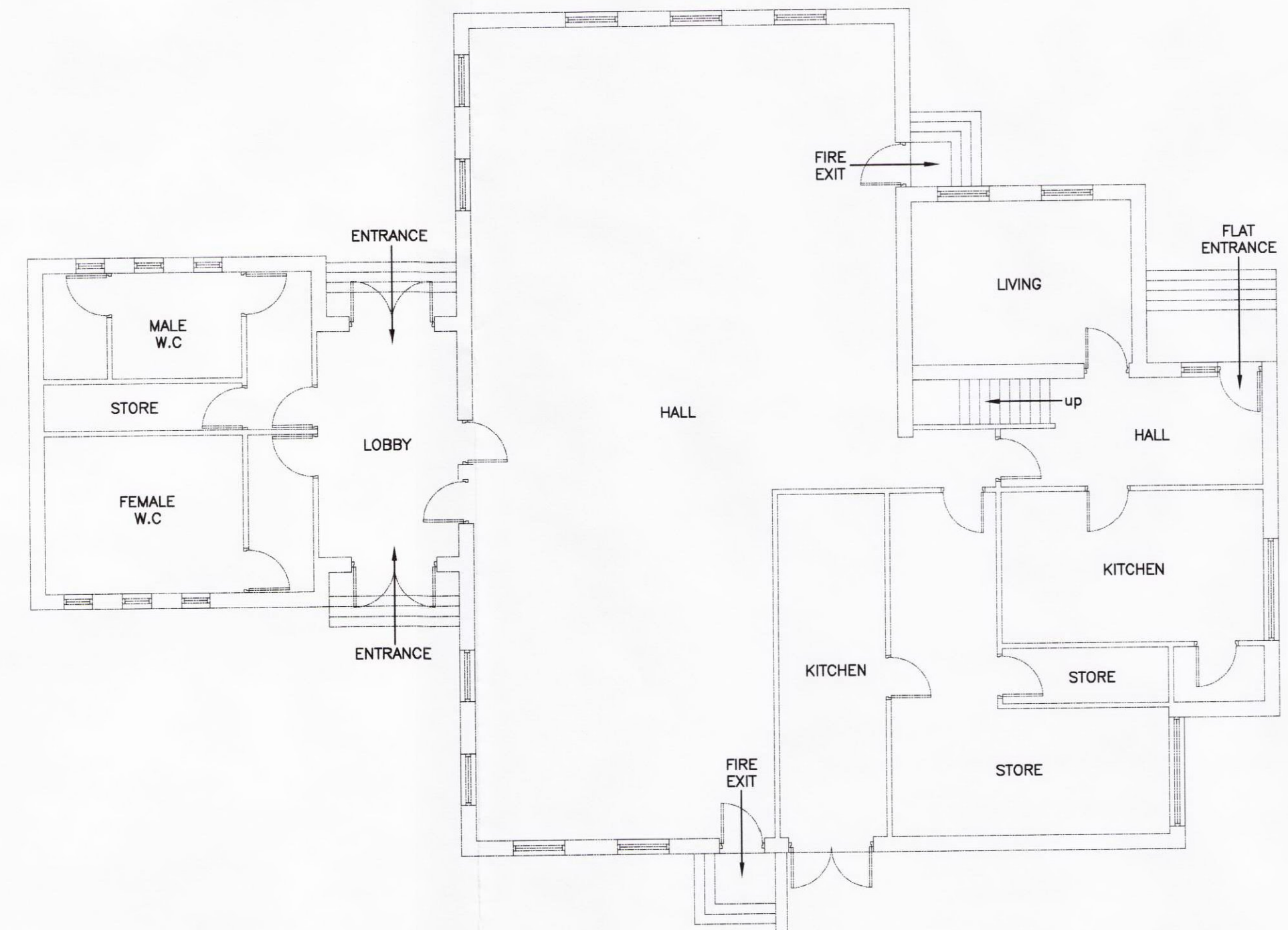
NO ALTERATIONS
TO EXTERNAL
ELEVATIONS



NORTH
EXISTING REAR ELEVATION



EAST
EXISTING SIDE ELEVATION



FIRST FLOOR PLAN

P R O P O S E D

PLANNING SERVICES
- 7 JAN 2015
CITY DEVELOPMENT

Rev:	Revision Note:	Date:
Client:	THE KILN	
Project:	BRIGNALL GARTH, LEEDS, LS9 7HB.	
Title:	EXISTING PROPOSED PLANS & ELEVATIONS	
Scale:	Date:	Drawing No:
1:100@A1	DEC 14	14166-4
KMS CONSULTANTS & ASSOCIATES LTD M - 07939 545 564 T - 0845 111 0945 E - kmsconsultants@gmail.com		
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