
Report of the Chief Planning Officer

PLANS PANEL (SOUTH & WEST)

Date: 22nd October 2015

Subject:

APPLICATION 15/03297/FU: APPLICATION FOR CHANGE OF USE FROM SUPERMARKET (A1) TO CHURCH AND COMMUNITY CENTRE (D1) AT LOWRY ROAD, WEST ARDSLEY, WF3 1TW

APPLICANT

Hope Church Leeds

DATE VALID

19th June 2015

TARGET DATE

14th August 2015

Electoral Wards Affected:

Ardsley and Robin Hood

☐ Yes

Ward Members consulted
(via Highways Consultation)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION

APPROVE, subject to the specified conditions.

1. Time Limit on Permission.
2. Plans to be approved.
3. Restriction on hours of use (as stated in para 2.4).
4. D1 Use restricted to Church and Community Centre use only
5. Details of secure cycle storage facilities

1.0 INTRODUCTION:

- 1.1 This application is brought to South and West Plans Panel at the request of Councillor Renshaw, due to the local interest in the application.

2.0 PROPOSAL:

- 2.1 The proposal is for a change of use of the building from an existing mini supermarket to a church and community centre.
- 2.2 The proposal will include a welcome area, open plan worship space, two internal storage areas, kitchen, disabled toilet and baby change, w/c and an attached store which is accessed externally.
- 2.3 The applicant, Hope Church is a non-denominational Christian church. Hope Church is linked to Moorside Independent Methodist Church which is based in Drighlington. Hope Church is seeking to relocate their existing church congregation to the unit currently occupied by the Costcutter Supermarket on Lowry Road from their current premises which are located at Tingley Community Centre on Smithy Lane. The church has operated from the Tingley Community Centre since 2014 and has a congregation size of 25-30 people who meet on a Sunday between 3.30pm – 7pm and on a Monday between 6pm – 7.30pm. The applicant states that they wish to relocate to new premises as the proposed arrangements will be preferable to using two different venues as occurs at present and they would like to provide services more than twice a week. The church also wish to provide community facilities for the wider community.
- 2.4 The proposed opening hours are from 10.00 hours to 22.00 hours from Monday to Sunday. The applicant has stated that they would not expect the church use to operate at all times during these hours but that that these opening hours will allow an appropriate level of flexibility.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is part of an 'L' shaped commercial complex with associated parking area to the front. The complex is presently made up of three units; a children's day nursery, the vacant unit which was formerly the Costcutter supermarket and the 'Balti House' restaurant and takeaway. The units face out onto the shared car park (of 39 spaces) which is owned by the Day Nursery.
- 3.2 The site does not form a designated Town or Local Centre as defined by the Leeds Core Strategy.
- 3.3 The existing Costcutter store is a single storey brick building with a tiled pitched roof. The unit is the largest unit on the complex comprising of 3/5ths of the main building with 2/5ths is dedicated to the Indian restaurant and takeaway (which was granted consent in 1992 and extended in 2011). To the rear of the premises is a delivery area including bin storage which serves the units. The delivery area to the rear is bounded by a 1.8m high timber fence whereas the car park to the front is open bounded with pedestrian access to Lowry Road. The unit is accessed by vehicles from Heatherdale Road, a residential estate road.
- 3.4 The wider area is predominantly residential in character with residential areas being situated to the north, east and south with an area of public open space to the west and Dewsbury Road (A653) beyond this.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 07/05521/FU – Application Refused
Change of use of part of existing supermarket, including new frontage and external alterations, to wine bar/coffee bar

Reasons for refusal are below:

1. The proposal is considered to give rise to the potential for crime/disorder and anti-social behaviour by virtue of its location, siting, layout and lack of natural surveillance in a location already experiencing recorded incidences of such problems. As such, the application is considered contrary to Planning Policy Statement 1 - Delivering Sustainable Development (2005) and policy GP5 of the Unitary Development Plan (Review 2006).

2. Located within a residential area, the proposal would give rise to significant disturbance to residential amenity caused by comings and goings and associated noise at unsocial late hours of use. As such, the application is therefore contrary to Planning Policy Statement 1 - Delivering Sustainable Development (2005) and policy GP5 of the Unitary Development Plan (Review 2006).

08/01743/FU – Application Approved

Change of use of part of existing supermarket to restaurant including new frontage and external alterations

11/00886/FU – Application Approved

Change of use of part of supermarket to form hot food takeaway and enlarged restaurant, new fire door and extraction flue to rear; alterations to supermarket including new entrance and rear fire doors

5.0 CONSULTATION RESPONSES:

5.1 Highways – No objections subject to conditions.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by site notice on 10th July 2015 and again on 11th August 2015 following reports that the original site notices dated the 10th July 2015 had been removed deliberately. Neighbour notification letters were also sent out on 7th August to ensure all neighboring properties were notified of the proposed development. The site notices were posted on the Lowry Road and Heatherdale Road. Overall 20 letters of objection and 3 letters of support have been received to the development.

6.2 The points raised in the objections received are highlighted below:

- Increased traffic build up and speeding
- Increased parking on neighbouring streets and queuing traffic
- Concerns about future plans to extend the congregation and impacts on the highway
- Need to create a new access point from Lowry Road to solve highways issues
- Concerns regarding use of the existing car park spaces in ownership of Asquith Court Nursery
- Parking issues during evening services
- Insufficient parking spaces
- Extra noise levels – including singing and music, church bells, night noise
- Poor condition of Heatherdale Road
- Is there a demand for this type of proposal?
- Inaccurate information on the application form which states 49 spaces when only 39 spaces exist

- Reference to an earlier Delegation Report which indicates there were between 15-26 free spaces between 5pm – 7pm – notwithstanding the Indian Restaurant customer parking
- Lack of formal engagement with the community
- Increased congregation of youths in the area and antisocial behaviour
- Loss of the local shop forcing residents to drive to other shops
- The lack of an Environmental Impact Assessment
- Suggestion of using the White Bear site instead
- Concerns that the building in question is not sufficiently big enough for what is proposed
- The need for open consultation process with the community
- Overlapping uses and drop off and collection from the site including the nursery, Indian restaurant and proposed church
- Concerns regarding site notices being removed and poor publicity of the application
- The applicant has not served notice on the land owner Goosebrook Limited or Asquith Nurseries Limited – Certificates of ownership are incorrect on the application form
- Unclear where the cycle storage would be sufficient to satisfy Highways Team condition
- D1 use would mean that the building could be used in the future to provide nursery care without planning permission in direct competition with the existing nursery on the site
- Successful and well attended events advertised on social media
- Lack of information provided regarding the use of the community centre
- Need for sound proofing
- Earlier plans for a new access from Lowry Road which have not materialised
- Insufficient assessment of the proposal by the Highways Team
- Lack of noise impact assessment
- Detrimental to children playing in the area
- Health and safety requirements for the church

6.3 Three letters of support have been received

- Proposed use would tackle existing issues of antisocial behaviour
- Excellent use of the building
- Offers community facilities
- Local asset and provide positive benefits
- Having the building in use is a positive

7.0 **PLANNING POLICIES:**

7.1 Core Strategy Policies

- GP - Sustainable Development and the NPPF.
- SP1 – Location of development in main urban areas on previously developed land.
- SP2 - Hierarchy of Centres.
- P4 - Shopping parades serving local neighbourhoods and communities.
- P9 - Community Facilities and Other Services
- T2 – Accessibility.

Relevant Saved UDP Policies

- GP5 – General planning considerations

T7A – Secure cycle parking.
 T7B – Secure motorcycle parking.
 T24 – Parking provision (until adoption of parking SPD).
 BD5 – General amenity issues.
 A9A - Car Parking Guidelines (saved until adoption of Parking SPD)
 A9C/A9D – Motorcycle/Cycle parking guidelines (saved until adoption of Parking SPD).

7.2 National Planning Policy Framework (2012)

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.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Chapter 2: Ensuring the vitality of town centers is of particular relevance.

8.0 **MAIN ISSUES:**

- Principle of development.
- Impact on Residential Amenity.
- Highways
- Other Issues
- Conclusion

9.0 **APPRAISAL:**

Principle of development

- 9.1 In assessing the principle of the development a number of local and national planning policies are relevant. Leeds Core Strategy policy P9 relates to the creation of community facilities and other services (including places of worship). As is noted in the Sites and Surroundings section of this report the application site does not fall

within a designated Town or Local Centre. Core Strategy policy P4 relates to shopping parades and small stand-alone food stores serving local neighbourhoods and communities and includes criteria for the change of use of existing retail units to non-retail units.

- 9.2 Paragraph 70 of the NPPF states that [local planning] decisions should plan positively for provision of shared space and community facilities (including places of worship. Paragraph 37 of the NPPF states that "planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities".
- 9.3 The application seeks to change a vacant A1 retail Unit into a Church and Community Centre falling within the D1 Non Residential use class. Whilst the applicant has not submitted supporting evidence to demonstrate that the retail use is now unviable at the site, it is recognised that this is the likely factor in the closure of the supermarket. It is also noted that there are a number of alternative small scale retail units within the wider local area and larger supermarket stores at the nearby Town and Local Centres of Morley and Middleton and also the nearby White Rose Shopping Centre for example.
- 9.4 Providing a new Church and Community Centre of modest scale and nature in a generally accessible location with good links to public transport is unlikely to have significant impacts on residential amenity therefore the proposal is considered to be in-keeping with the wider aims of Core Strategy policy P9 and paragraph 70 of the NPPF. It is noted that policy P9 also encourages such uses where possible, to be located in centres with other similar uses. Although the application site is not located in a designated town or local centre, it is generally recognised that larger venues of this nature are in short supply in those centres in the wider locality. As such, it is not considered unreasonable or uncommon for such uses to seek alternative facilities.
- 9.5 Policy P9 also requires, where a proposal would result in the loss of an existing facility or service (in this instance a retail function), that satisfactory alternative provision should be made elsewhere within the community if a sufficient level of need is identified. Core Strategy policy P4 includes similar aims whilst looking to protect the vitality and viability of existing retail units where the day to day needs of a local community will be undermined, lead to an increase in travel or a concentration of non-retail uses which will detrimentally impact on a local community. In these respects the factors highlighted above in relation to the viability of the existing supermarket unit and the availability of other shopping options within the local area are relevant. Whilst the loss of the unit will inevitably have some impact on local residents in terms of the loss of the shopping facility, it is clear that similar facilities do exist elsewhere in the wider locality which are not an unreasonable distance away. It is not considered that the concentration of non-retail uses will have a detrimental impact on the local community in these respects.
- 9.6 Overall it is recognised that the loss of the retail unit will have some impact on the local community. However, for the reasons noted above it is not considered that these impacts will be significantly harmful. Furthermore it is considered that the benefits of the proposal in providing a church and community facility in a generally accessible location with good links to public transport represent considerable benefits of the scheme. As such the proposal is considered to be in-keeping with the wider aims of Core Strategy policies P9 and P4 and paragraphs 70 and 37 of the NPPF and therefore the principle of the development is considered acceptable.

Impact on Residential Amenity

- 9.7 The proposal is for a church and community centre use with opening hours of 10am to 10pm, 7 days a week. The site is located in the centre of a largely residential area however the unit does adjoin the Balti House Indian takeaway and restaurant and neighbours Asquith Nursery. The wider area is residential in nature with Lowry road forming the main access road which runs through the nearby housing estate.
- 9.8 The change of use of the building is likely to create some impact due to different patterns of operation to that of a supermarket; however this impact is unlikely to be significantly more harmful than the existing use. Issues which affect residential amenity include increased comings and goings to and from the site and also noise and disturbance associated with the use. It is unlikely that the proposed use as a church and community centre would have a significantly greater impact than a retail unit with the same hours of operation. Information submitted as part of the application states that the current congregation size is 25-30 people however the church has expressed a desire to expand their congregation size in the future and also operate a community centre offering community facilities such as coffee mornings, clubs for children and teenagers, parent and toddler events etc.
- 9.9 It is acknowledged that the number of comings and goings to the site associated with the use of the unit as a church and community centre is likely to be more intensive at peak times during church services and events than the previous use of the unit as a supermarket. Supermarkets generally have a more continuous and steady flow of customers coming and going from the site, therefore some additional impact on residential amenity is anticipated. However it is worth highlighting that any associated HGVs which deliver goods to the retail unit will no longer need to visit the site should the retail unit be lost. Local residents have raised concerns regarding noise associated with the proposed use such as singing and the ringing of church bells. However churches have operated in local communities for centuries and the additional noise associated with any sound equipment can be controlled by planning condition. It is noted that existing issues of anti-social behaviour have been highlighted through consultation with residents. It is considered that the local benefits of finding a suitable future use of the building as a church and community centre are considered to outweigh the harm caused by leaving the unit vacant and attracting further issues of anti-social behaviour.

Highway Issues

- 9.10 The proposal is considered acceptable in terms of its impact on highway safety. The application site is located in a very sustainable location with good access and transport links. The existing vehicular access to the car park is suitable for the proposed change of use and there is sufficient space for refuse storage and the manoeuvring of refuse vehicles.
- 9.11 The majority of the objections received raise concerns regarding issues of highway safety. There are currently 39 marked parking spaces on the site and it is acknowledged that these are shared spaces with the neighbouring children's nursery and Indian restaurant and takeaway. There is also an overspill car park to the north west of the unit. It is the view of the Highways Officer that given the nature of the other uses sharing the car park (a nursery and restaurant) the peak parking demand between the uses will occur at different times of the day.
- 9.12 It is acknowledged that the saved UDP parking guidelines do not contain guidance for places of worship therefore the Highways Engineer has considered size of the building and compared that to similar sized churches around the country. It is the view of the Highways Officer that the available parking would be sufficient for the size of the congregation based on the information submitted and officer research.

The existing communal spaces are therefore considered acceptable to serve the development. The Highways Team raise no objections to the proposals provided a condition is attached relating to cycle storage. It is considered that the proposal complies with policy T2 of the adopted Core Strategy.

Other Issues

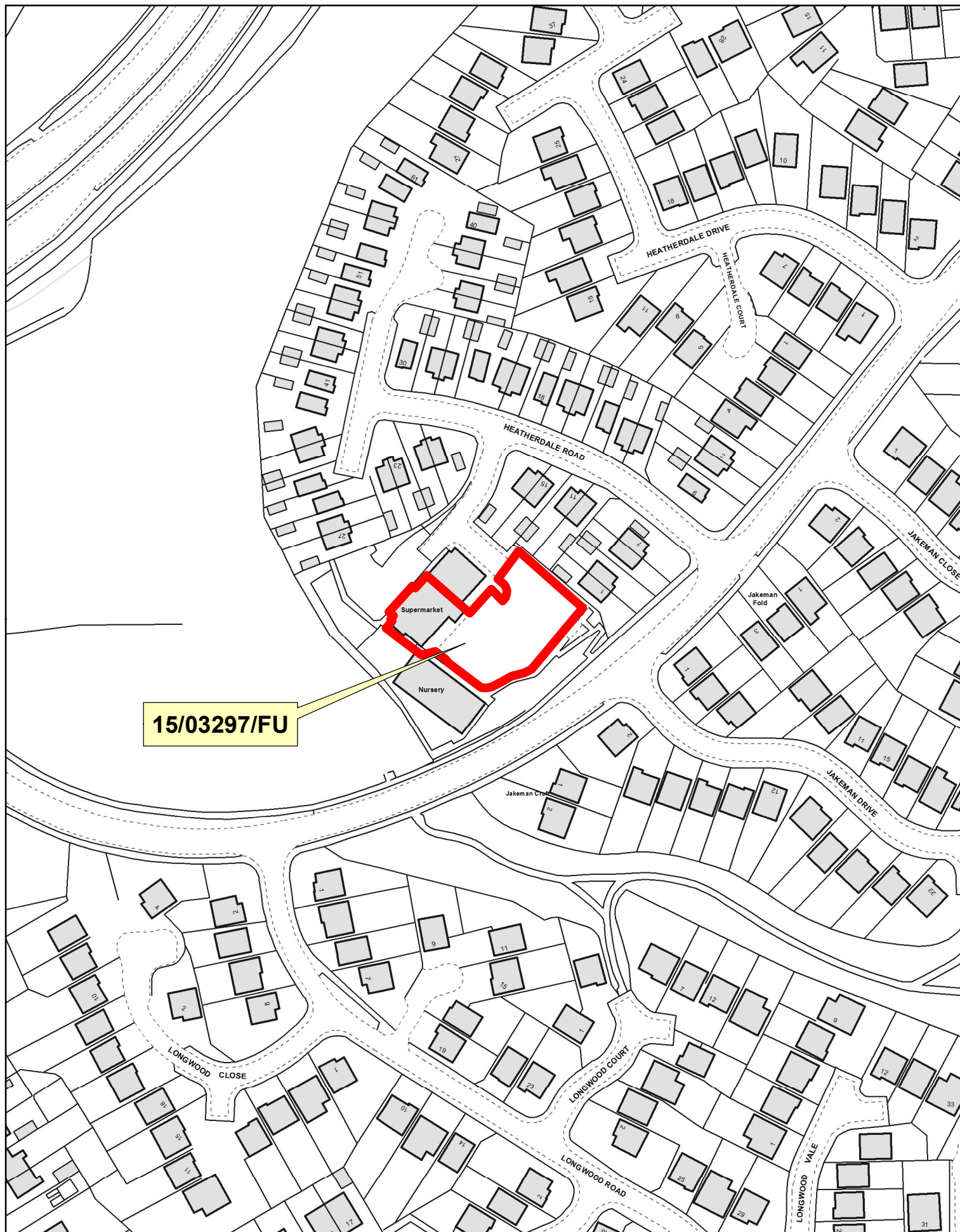
- 9.13 One point raised by an objector is that the certificates of ownership have not been served correctly; the applicant has now served notice on Asquith Nursery and the Balti House, Indian takeaway and restaurant on 07th October 2015.
- 9.14 Consideration has been given to Section 149 of the Equality Act, which places a duty on the Public Sector to advance equality and minimise disadvantage. It is considered the proposal complies with this legislation.

Conclusion

- 9.15 On balance, whilst it is acknowledged that the proposed church and community centre will have some impact on residential amenity in terms of increased car journeys to and from the site at peak times; this additional impact is not considered to outweigh the broader benefits of the scheme which propose to bring a vacant building back into use and offer community facilities.
- 9.16 As such, the proposed change of use is considered acceptable in principle and will lead to the creation of a church and community facility in a generally sustainable location with good public transport links. It is not considered that the proposed use would have an adverse impact on the character of the locality due to the location of the application. The proposed use is not considered to lead to any significant highway congestion or parking concerns. Accordingly, the proposal is considered also to comply with relevant local policies GP5, P4, P9 and T2 of the Leeds Core Strategy and the guidance contained within the NPPF.

Background Papers:

Application files 15/03297/FU



SOUTH AND WEST PLANS PANEL

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

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