



**Leeds**  
CITY COUNCIL

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**Report of the Chief Planning Officer**

***PLANS PANEL SOUTH AND WEST***

**Date: 18<sup>th</sup> February 2016**

**Subject: Planning Application 14/06007/FU – Mixed use development comprising sports hall, community facility, and associated offices; change of use of existing office building to a temporary community use during building works at 49 Barkly Road, Cross Flatts, Leeds, LS11 7EW – Appeal against non-determination**

**APPLICANT**

Aspiring Communities

**DATE VALID**

22<sup>nd</sup> October 2014

**TARGET DATE**

1<sup>st</sup> April 2015

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**Electoral Wards Affected:** Beeston and Holbeck

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION:**

**To seek Members agreement for Officers to make representations on the appeal against non-determination on behalf of the City Council on the following grounds;**

- **The impact of the proposal on residential amenity due to levels of activity and associated intensification of the use of the site and associated noise**
- **Uncertainty over the exact use and occupation of the Community/ Sports Hall and the potential of over-spill parking onto adjacent streets**
- **Whether the use can be adequately controlled in terms of restrictions on use, hours, activities and numbers of people attending via planning conditions or a legal agreement to make the proposal acceptable in terms of impact on local people and the highway network**

## **1.0 INTRODUCTION:**

- 1.1 This application is brought to Plans Panel due to the large numbers of representations, both in support and in objection to the proposals, including political interest from Local Members and MP, to agree the grounds on which the City Council will defend the appeal, which has been submitted against the non-determination of the application.
- 1.2 This application was scheduled to be considered by Members at Plans Panel South and West on 6<sup>th</sup> August 2015 when members visited the site in the morning. However, following late representations received from the applicant's agent and the subsequent legal advice received, the decision was taken by the Head of Planning Services and the Chief Legal Officer to withdraw the application from Plans Panel to allow further consideration of the representations and ensure the report brought to members was safe from legal challenge.
- 1.3 Following this, a letter was sent to the appellants by the Head of Planning Services in October seeking clarification on the following issues.
- What has been done (by the applicants) in Beeston over the past 6- 9 months to build that sense of community that this center is aimed at providing?
  - Where will the worshippers be drawn from recognising that there are several mosques to the east of Cross Flatts Park in City & Holbeck Ward?
  - Do you have a car park management plan for the basement level and how this is likely to be used?
  - Have any calculations been carried out to the likely volume and the number of lorry movements needed to remove excess materials from site (to construct the basement car park)?
  - Has the conversion of the building (which is a portal frame building) been considered by structural engineers? Clarity is sought that the building can be converted as indicated.

A copy of this letter is attached in Appendix 2.

- 1.4 Shortly after the letter was sent an appeal against non determination was submitted to the Planning Inspectorate on 9<sup>th</sup> November 2015. The agent did eventually submit a response to the October letter and this is attached in Appendix 3 but the response did not contain additional information to that already submitted or directly seek to answer the questions asked.
- 1.5 The Planning Inspectorate have so far indicated that in their view the appeal can be dealt with in a Hearing ( rather than the Public Inquiry requested by the applicants) and have recently given the appellants 13 weeks to submit their full appeal statement.

## **2.0 PROPOSAL:**

### Uses

- 2.1 Full permission is sought for a multi-purpose building incorporating a number of functions, including spaces for community use, a sports hall and changing areas, a learning centre, prayer facilities, a number of small ancillary offices and a caretaker's flat.

2.2 The proposal accommodation is arranged in the following format floor by floor.

Ground Floor

Sports Hall (619 sq m), Kitchen (10 sq m), 2 Equipment Stores (16.5 sq m each), Administration office, Toilets, Changing rooms, Main Lobby entrance to the building, and Sports Hall entrance. 2 main circulation cores with staircases.

First Floor

Void above Sports Hall, 2 Plants Rooms (117 sq m and 142 sq m), Maintenance Store and stairwells

Second Floor

Prayer Area (343 sq m), Multi Faith Centre (70 sq m), 2 class rooms (59 sq m and 78 sq m), Kitchen, 2 Meeting rooms (27 sq m), toilets and Showers (74 sq m), Office, and Circulation Corridors.

2.3 The various uses proposed are set out in the table below, based on the details submitted as part of the application:

Use	Area(s)	Uses and capacity and/or visitor/staff numbers	Frequency/hours of use
Sports Centre	<ul style="list-style-type: none"> <li>• 619m<sup>2</sup> sports hall.</li> <li>• Male and female changing areas and admin office</li> <li>• Viewing area for spectators on first floor (FF)</li> </ul>	<ul style="list-style-type: none"> <li>• Sports such as badminton, cricket, basketball, football, 5-a-side etc.</li> <li>• Visitor numbers up to 50 people at peak times.</li> </ul>	<ul style="list-style-type: none"> <li>• 9am-10pm</li> <li>• 7 days a week</li> <li>• Peak period weekends.</li> <li>• Hall would be closed during Friday afternoon and evening prayer times,</li> </ul>
Prayer facility	<ul style="list-style-type: none"> <li>• 343m<sup>2</sup> second floor prayer hall</li> <li>• Washing and ablutions facilities.</li> <li>• Use of part of this area for funerals.</li> </ul>	<ul style="list-style-type: none"> <li>• Capacity of room would allow up to 250 worshippers, but applicants anticipate:               <ul style="list-style-type: none"> <li>○ Fewer than 50 people at most prayer times.</li> <li>○ Up to 250 people for Friday Prayer</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Prayer times throughout the day. Centre open 8am-10pm.</li> <li>• Busiest periods likely to be evenings and Fridays (lunchtime and evening).</li> </ul>
Multi-faith Centre and Youth Skills Classrooms	3 rooms on 2 <sup>nd</sup> floor  70sqm, 78 sq m, and 59 sq m.	<ul style="list-style-type: none"> <li>• 40 people</li> </ul>	<ul style="list-style-type: none"> <li>• 4.30pm – 7.30pm</li> <li>• Monday to Thursday</li> </ul>

Administration and General Office	• 8am – 10pm	• 8	
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2.4 The table below compares the floor area of the building, in its current form on site, with the withdrawn 2013 application and the present proposal.

	Current buildings on site	Withdrawn 2013 application	Present Proposal
Floor Areas	3249 sq m	4589 sq m	2954 sq m

The reduction in floor area is caused by the demolition of the office building located at the front of the site, and the warehouse building, which is attached to the eastern side of the main building which is to be retained. Members will be aware from the site visit that the proposal involves the reuse of the existing portal frame building on site ( to provide the sports hall and prayer hall above) together with a new build element to provide basement parking with accommodation above.

2.5 Access and Parking

It is proposed to have the main parking areas to the front and north-eastern side of the building. These areas would provide 99 parking spaces, 6 of which are for disabled visitors.

2.6 An under-croft basement level of parking is also proposed which is situated under the building and external parking areas. The access ramp to this level is located adjacent to the north-western wide of the building and provides another 61 parking spaces giving a total of 160 spaces in total on the site.

Design

2.7 The largest of the former factory buildings in the north western corner of the site is proposed to be retained to house the sports hall, which would be a double-height space occupying the ground and first floor levels. New extensions to the front and north-eastern side of this building are proposed which will effectively wrap around this existing building in an L-shape, giving it new elevations to these two sides.

2.8 The submitted details indicate that these buildings are to be clad with brick, and their roofs replaced either re-using the existing materials or re-cladding to match. Photovoltaic panels are proposed to the roof of the sports hall building. A series of new windows are proposed to the building to all elevations. The roof of the main building is also to be covered in solar panels, upon the slopes which face south-east, at a pitch of 10 degrees.

2.9 The proposed Prayer Hall is located at 2<sup>nd</sup> floor level and is located both within the existing building (above the sports hall) and partly within the new extensions. The new extensions house the ancillary areas such as the offices, and toilets. This is proposed to be constructed in brick, with sections of Ashlar to the upper floors. The application has also been supported by a lighting scheme, and full details of boundary treatments.

### Phasing of the development

- 2.10 The applicants have confirmed that if permission is granted the development is likely to be phased. During the initial phases, the former office building in the front part of the site is proposed to be refurbished used to provide temporary accommodation in the form of two community rooms (173m<sup>2</sup> and 73m<sup>2</sup>), a meeting room (20m<sup>2</sup>), caretaker's flat and ancillary kitchen, storage, toilet and washing areas. Part of the building would also be used for construction storage and office. The agent has stated the potential uses of these community rooms would be for youth and adult education classes, community meetings, and multi-faith activities and workshops.
- 2.11 Permission is sought as part of the application for this temporary use - it is not clear how many people would occupy this building at any one time. This building would eventually be demolished following completion of the proposed full scheme, and the applicants have confirmed that no part of the new/converted buildings would be brought into use until the former office building is demolished and the parking spaces have been laid out. This could be controlled through a planning condition on phasing or as part of a S106 agreement.

### Submitted documents

- 2.12 In addition to the plans and elevations and the Travel plans referred to above, the following documents have been submitted as part of the application:
- Transport Statement
  - Neighbourhood consultation statement
  - Contaminated land reports
  - Details of a steering group which has been established and which includes representatives from a number of local groups and organisations.
  - Energy statement
  - Landscaping Scheme
  - Phasing and Demolition Plan
  - Sequential Test of Alternative sites for Sports Centre

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The proposals relate to a former frozen food packaging factory on Barkly Road in Beeston, which is made up of a number of buildings of varying sizes and functions, including large two and three storey metal clad industrial buildings in the rear parts of the site and a two storey brick-built office building to the front. The buildings have been vacant for some time, and following safety concerns parts of the central section of buildings which connected the rear sections to the office building have now been demolished. It is clear that when used for industrial purposes that buildings occupied the majority of the site area.
- 3.2 The site has 2 vehicular entrances from Barkly Road to the front (south west) and a third from the corner of Firth Road and Wooler Drive in the rear (eastern) part of the site. The buildings are surrounded by hardstanding, and the site is enclosed by a mix of brick walls to the front, with metal and wire mesh fencing to the sides and rear, there are also some areas of boundary planting including a row of high conifer trees alongside the public footpath which runs to the north west of the site.
- 3.3 The surrounding area is mixed in character and includes some commercial uses in a mainly residential area. There are other industrial premises either side of the site, similar in character to those on the site. These include a factory to the south west

made up of a series of predominantly single storey brick and blockwork industrial buildings with a two storey office block to the front of the site, and a single storey commercial garage and other single and two storey workshop buildings to the north west. To the north west of the rear part of the site, on the opposite side of the public footpath, are the playing fields of St Anthony's Primary School, whose entrance is around 70m further along Barkly Road from the application site.

- 3.4 The site is also surrounded to the front and rear by a mix of detached and semi-detached houses, and some terraced housing on Firth Road to the east. The nearest residential properties to the site are those on Wooler Avenue to the rear. The nearest properties to the front part of the site are on the opposite side of Barkly Road around 20m from the site boundary to the south west.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 A previous application for a similar proposal which included a catering facility (13/05214/FU) was withdrawn by the applicants on 24<sup>th</sup> March 2014, following Officer concerns relating to a lack of parking, intensification of the use of the site, and uncertainty on how exactly the building would be used, managed and operated.
- 4.2 Prior approval was sought in late 2011 for the demolition of the buildings on the site, and a determination was issued in December 2011 confirming that such works could take place (application 11/04760/DEM). Whilst this grants approval for the demolition of all buildings on the site, some of which are to be retained and converted as part of this application.
- 4.3 Outline permission for residential development on this site has previously been granted, in August 2006 (21/366/05/OT) and in March 2011 (10/03010/OT).
- 4.4 Application H21/57/84/, approved in May 1984, granted permission for extensions to form a cold store, plant room, dispatch and delivery bays in the rear part of the site. This permission was subject to a condition restricting hours of work (including the loading and unloading of vehicles) to between 8am and 6pm Monday to Friday and 8am – 12 midday on Saturdays, and preventing any works on a Sunday. A separate condition prevented refrigerated vehicles from operating their refrigeration motors whilst parked on the site outside these approved hours of work.
- 4.5 All other historical applications relate to smaller extensions and alterations to the factory premises but are not of specific relevance to the consideration of the current proposals.
- 4.6 During the operation of the former B2 factory use, there were records of complaints received by the local planning authority from residents to the rear of the site in relation to non-compliance with the relevant conditions regarding the hours of works on site, and the parking of delivery vehicles on surrounding streets while awaiting their allotted delivery times.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Pre-application discussions originally commenced in March 2012, and included numerous meetings involving the applicant and their agent and planning, highways and design officers. The design and layout of the buildings evolved considerably over this period to reflect the aspirations of the applicants and the advice provided

by design officers, and further information was sought at various points regarding the proposed use of the buildings, access arrangements, visitor numbers, hours of use, and travel planning measures.

5.2 Following the pre-application presentation to Plans Panel in June 2013 ( minutes from that meeting are attached as Appendix 1), further discussion took place with the applicants, focusing mainly on the details required to support an application, including details to address concerns raised by officers and Members regarding the highway implications and design of the proposals. The first application which was withdrawn, was submitted in November 2013

5.3 A neighbourhood consultation statement was submitted by the applicant, which provides details of the consultation carried out by them prior to the submission of the previous 2014 application. As well as discussions with the local planning authority, the statement advises that the applicants carried out consultation in the local area around the site with the following groups:

- Neighbours and residents of Barkly Road and surrounding streets.
- The Beeston Forum.
- Leeds Faith Forum.
- Hamara Centre in Leeds.
- Local schools
- Local churches
- NAYA (Naqshbandia Arshadia Youth Alliance)
- BAFF (Beeston Action for Families)
- Local police and support officers.
- Local Councillors and Hillary Benn MP.

## **6.0 PUBLIC/LOCAL RESPONSE:**

### Ward Members

6.1 The Ward Members, Councillors Congreve, Gabriel and Ogilvie have all objected individually to the application, raising the following concerns:

- Concern that the proposal will be used as a national, not local centre, no evidence has been submitted to illustrate local need.
- Lack of clarity about number of people using the proposal and likelihood many will travel by car, congesting adjacent residential streets.
- Parking close to junctions would affect visibility and highway safety.
- Implications for residential amenity from additional on-street parking.
- Site is located in a quiet residential area.
- Concerns over additional noise and pollution.

### MP

6.2 Hilary Benn, the MP for the area, has also objected to the application on the following grounds.

- No evidence has been submitted that the proposed facility is aimed at local people.
- Lack of clarity about number of people who would use the building.
- Concern a large number of visitors will be from outside the local area and travel by car.

- Existing parking problems on adjacent streets already exist, due to proximity to Elland Road, no capacity for additional street parking.
- Record of traffic accidents locally, the proposal will pose a further risk to highway safety.
- Proposal will cause additional noise and pollution.

#### Beeston Community Forum

6.3 Object to the application on the following grounds:

- Although plans have been ‘scaled down’ scheme is too large and intensive for this site.
- Visitors are more likely to park on adjacent streets, than use the proposed underground car park, especially on short-stay visits.
- People arriving/ leaving at the same time will cause congestion.
- Large events and lack of sufficient parking within the site likely to lead to greater incidence of on-street parking – visitors more likely to travel by car than public transport or walking across the park (particularly late at night). Unclear how single-occupancy car use would be discouraged.
- Additional traffic – concerns regarding safety of children attending nearby primary school.
- Additional pollution – impact on health of residents.
- Development would duplicate existing office and leisure provision and could threaten viability of existing facilities.
- Concerns that development has been ‘parachuted’ into the area without consultation with community, and about how possible lack of community representation on management committee for the Centre.
- No details provided of sports or skills training programmes.
- Concern some letters of support are ‘fake’ using names and address which do not exist.
- Site should be developed for new housing.

#### Other public responses

6.4 The application has been advertised as a major application by press notice, published 13th November 2014, and by site notice. Site notices for the application were originally posted at various points on streets surrounding the site on 5<sup>th</sup> December 2014. Further notices were posted adjacent to the site on 25<sup>th</sup> June 2015 advertising the amendments to the elevations.

6.5 To date approximately 80 individual letters of objection have been received to the application, including representations from the ‘Save our Beeston’ community group. Approximately 2610 batch letters of objection have been received to the application; however these objections are printed on repeated standards letters, which have been circulated and have only been signed by a particular individual. These letters are considered to be a petition to the scheme, as they are not individual objections, making different points. The points raised by the objections are highlighted below.

- Amendments do not fully address previous objections
- Proposed under-croft car park is not practical
- Unclear how an under-croft car park can be built, without significant engineering works and cost, under an existing building/s.
- Increased traffic will worsen existing traffic and access problems on surrounding roads, many of which are narrow and have existing traffic calming measures. Problems have worsened in this respect as a result of



other recent developments nearby. Concerns regarding access for emergency vehicles. Permission recently refused for a Tesco on Old Lane nearby due to increased traffic.

- Insufficient parking within the site – will add to existing on-street parking problems in the area, particularly on match days at Elland Road and at peak times. Applicant's traffic assessment acknowledges this will occur.
- No space for coaches to turn within the site, meaning they would have to reverse onto Barkly Road – obstructing traffic and causing safety problems.
- Details advise that many people using the Centre will walk or use public transport, but site is some distance from bus stops, services are unreliable, and people are reluctant to walk across areas such as Cross Flatts Park in the dark. Large amount of parking provision suggests most visitors expected to travel by car.
- Concern that large annual events would not be held at the same time as match days at Elland Road, but no details of how this would be managed.
- Inconsistencies and inaccuracies in applicant's transport statement, concerns regarding certain aspects of survey methodology.
- Safety of pedestrians, including children at 2 nearby primary schools – St Anthony's (adjacent to the site) and Hugh Gaitskill.
- Building too large and design is out of character.
- Increase in noise as a result of large numbers of visitors (particularly to Friday prayers) and late opening hours. Former factory had restrictions on delivery hours.
- Long opening hours
- Potential for noise if calls to prayer made.
- Noise and disturbance during construction.
- Overlooking of neighbouring gardens and school playing fields – loss of privacy for residents and for children attending neighbouring school.
- Pollution and litter.
- Problems experienced in association with former food packaging factory use in terms of traffic and noise will re-commence.
- Lack of provision for disabled visitors to sports centre.
- Uncertainty over how the building will actually be used, this can't be controlled.
- Would facilities be open to all members of the community? Implications for community cohesion if not.
- Lack of community consultation by developers.
- Potential for change of use to a mosque.
- It does not appear that applicants currently have the funds to complete the development – concern that site could be left incomplete for lengthy period, with associated disruption and parking problems for residents.
- Potential increase in crime and antisocial behaviour. Existing problems associated with footpath adjacent to the site.
- Many of support letters received are from people who live outside the Leeds area, who are not familiar with the area and will not be affected by the traffic and noise associated with the proposed Centre.
- Large numbers of duplicate support comments could give appearance of greater support than there actually is.
- Lack of need for facility – other places of worship, sports/community facilities and catering facilities nearby. Concern regarding impact of development on viability of existing facilities. South Leeds Sports Centre recently closed due to lack of demand.

- Developers' funds might be better used in helping existing local charities and organisations instead of duplicating existing provision.
- Site should be developed for affordable housing, which is needed in the area, or play facilities for local children. Site has already had planning permission for affordable housing.
- History of other developments being approved locally for the wider benefit of the city but with little concern for local residents. No consideration given to cumulative impact of these developments.
- Some works have already been carried out at the site. Concerns that removal of asbestos from the buildings has not been done correctly.
- Someone appears to be living on the site. Has permission been granted for this?
- Impact on property values.
- Conflicting information regarding its use, information on internet suggests the proposal is a national centre and not a local facility aimed at local people.

6.8 To date approximately 68 individual letters of support have been received to the application. Approximately a further 650 'batch' letters of support have been received to the application. These letters of support (like the 'batch' objections) have too been photocopied, and circulated to people to endorse, by putting their name to the letter. These letters are considered to be a petition to the scheme, as they are not individual objections, making different points. The points raised in support are highlighted below.

- Development will help with community cohesion, bringing all groups together through sport and other community facilities, and helping to tackle problems of prejudice, racism, crime, antisocial behaviour etc.
- Will provide much-needed facilities for local people, including young people, for whom facilities are lacking at present.
- Reduction in crime and antisocial behaviour.
- Facilities and opportunities for interaction for older people.
- Health benefits from sports and fitness facilities.
- Large events held in the area by the applicants in recent years have been very successful.
- Site was previously a factory, with heavy goods vehicles and associated danger to pedestrians etc, and noise. Proposals will improve this.
- Employment opportunities and career guidance.
- There may be a need for affordable housing, but the site has been vacant for a considerable period of time, with no interest from housebuilders wishing to develop it for this purpose, and with associated problems associated with its vacancy and dereliction. Bringing the site back into use will be of benefit to the area.
- Central hub within the community.
- Social benefits of centre that will give local people somewhere to meet new people.
- Facilities for other charities.
- Environmental benefits of bringing disused site/building, which is prone to vandalism, back into use.
- Centre is attractively designed and will enhance the area.
- Applicants have gone to great lengths to consult with local people, and have formed a steering group including members of various local groups and organisations.

- Transport study indicates that impact will be minimal and parking provision is adequate for most times.
- Will help to address barriers faced by ethnic minorities in terms of accessing community facilities and council services.
- Advice and support services provided by the applicants in other areas, including youth activities and training, healthcare advice and sports facilities have been of great value.

## 7.0 CONSULTATION RESPONSES:

### 7.1 Highways

Due to the changes to the proposed development over the course of this application and previous negotiations, the application has been re-assessed by Highways. The full comments recently received from Highways, are set out below;

The main issue from a Highway perspective is whether the proposals provide adequate off-street parking provision to cater for the capacity and range of uses proposed. The critical peak periods being Friday prayers, which occurs between 13.00 to 14.00hrs and potentially, dependent upon uses, Sunday 13.00 to 21.00hrs when the Community Hall will be in use.

For the avoidance of doubt it should be noted that the Sports and Community Hall is a single dual function space, used for either sports or as a community facility.

Peak period for the Islamic Learning Centre is Friday prayers, which occurs between the hours of 13.00 to 14.00. Due to religious custom no other part of the centre other than the office will be in use during this period. The Islamic Learning Centre has the capacity to accommodate 250 worshippers, based on the accepted modal share split of 50% single occupancy car this equates to a parking demand of 125 spaces. Including basement parking the proposals provide a total of 160 on-site parking spaces, Highways are satisfied that parking demand associated with the Friday prayer peak period can be accommodated on site and is unlikely to result in significant on-street parking.

There could be concerns if the number of worshippers exceeded the 250 worshippers estimated to attend Friday Prayers, potentially resulting in the use of the Sports and Community Hall as an overspill prayer area. Highways therefore propose a condition prohibiting use of the Sports and Community Hall for prayers.

Regarding the use of the Sports and Community Hall, Highways remain of the view that further information is required to enable proper understanding of the traffic generation potential and associated parking demand of the Community Hall element of the proposals.

The Transport Statement indicates that the Community Hall will not be used for; Funerals, Large annual events, Catering facilities or Function room hire (weddings, banquets etc.), uses which typically have the potential to attract large numbers of people and associated traffic and could have been a cause for concern from a Highway perspective.

Whilst indicating what the Community Hall will not be used for the Transport Statement provides no information regarding its possible uses, assessment being based on an assumption that the Community Hall will accommodate up to 250 persons, although no clear methodology as to how this has been derived has been

provided. There is a concern that the Community Hall will not be used as a genuine community facility or that events could attract users from further afield, many of whom are likely to travel by car. Due to the lack of information provided regarding the type of uses that could occur, potential traffic generation and parking demand cannot be properly determined or assessed - further information required. A list of anticipated potential uses would assist in this respect and could perhaps form the basis of a suitably worded condition.

The Sports Hall element of the proposals is considered acceptable.

To sum up; Subject to suitably worded conditions controlling activities and hours of use, Highways are satisfied that traffic and parking demand associated with the Sports Hall, Islamic Learning Centre, Multi Faith Centre, Youth Skills Classrooms and Administration Office can be accommodated on the local Highway network and are unlikely to result in any undue highway safety or capacity issues or significant on-street parking.

Further information is required to enable proper understanding and assessment of the types of uses, traffic generation potential and parking demand associated the Community Hall element of the proposals.

Much will depend on whether appropriate conditions can be imposed, controlling activities and hours of use, which meet the tests set out in the NPPF.

Suggested Conditions/S106 Obligations:

- Areas use by vehicles to be serviced and drained
- Details of retaining structures
- Travel Plan
- Service Management Plan
- Construction Management Plan
- Restrictions on activities and hours of use

Travel Plan monitoring fee secured by S106

#### 7.2 Environmental Health

Have stated the comments they have previously given on the 2013 application and pre-application are relevant. They do not object to the application but have raised concerns regarding activity late in the evening, due to the potential number of people which could be accommodated within the proposal.

#### 7.3 Contaminated Land

No objection subject to conditions requiring further Site Investigation to be carried out.

#### 7.4 Public Rights of Way

A non-definitive footpath runs to the west of the site and links Barkly Road and Wooler Avenue. On the basis of the submitted plans, it appears that the road has been narrowed. Access should be maintained at a minimum of 2.5 metres. A safe pedestrian area may be needed at the turn around area as this could have an adverse effect on pedestrian's public safety. The footpath would benefit from surface improvements, vegetation cut back and street lighting. This would improve pedestrian accessibility and make it more attractive for the public to use.

These improvements should be included in the section 106 agreement and the developers should enter into a Public Path Creation Agreement with Leeds City Council, or speak to highways to see whether they would wish to adopt the footpath. For further information on these issues please contact this office on 0113 382906.

7.5 Mains Drainage  
No objections, subject to conditions.

7.6 Nature Conservation  
No objection subject to a condition which places a duty for Bat Scoping Survey.

7.7 Yorkshire Water  
No objections, subject to conditions.

## **8.0 PLANNING POLICIES:**

8.1 Under Section 38 of the Planning and Compulsory Purchase Act 2004, decisions on planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

8.2 Development Plan  
The development plan for Leeds is made up of the adopted Leeds Core Strategy 2015 and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013 and the saved policies of the UDP. The site is unallocated in the UDP. The following policies are therefore relevant to the consideration of the application:

### 8.3 Core Strategy Policies

SP1 - Location of development  
SP4 - Regeneration Priority Programme Areas  
EC3 – Safeguarding existing Employment Land and Industrial Areas  
P9 - Community Facilities and other Services  
P10 - Design  
P12- Landscape  
T1 - Transport Management  
T2 - Accessibility Requirements and New Development

### 8.4 Saved UDP Policies

GP5 - General planning considerations, including amenity.  
T7 - Cycle Parking Guidelines  
T7B – Motor Cycle Parking  
T24 – Parking Guidelines  
N25 – Development and site boundaries  
LD1 – Landscaping

8.5 The following DPD policies are also relevant:

WATER1 – Water efficiency, including incorporation of sustainable drainage  
WATER7 – Surface water run-off  
LAND1 – Contaminated land

### Supplementary Planning Guidance and Documents

- 8.6 The following Supplementary Planning Documents (SPDs) are relevant to the consideration of the proposals:

Street Design Guide SPD

Public Transport and Developer Contributions SPD

Travel Plans SPD

'Building for Tomorrow Today': Sustainable Design and Construction SPD.

### National Planning Policy

- 8.7 The National Planning Policy Framework (NPPF) was published on 27<sup>th</sup> March 2012 and replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

- 8.8 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.

- 8.9 The starting point is paragraph 14 and where the Development Plan is silent then permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.

Core planning principles of importance include the following;

- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Encourage effective use of land by reusing land previously developed (brownfield) provided not of high environmental value
- Promote mixed use developments and encourage multiple benefits from use of land in urban areas
- Actively manage patterns of growth to make fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable
- Take account of and support local strategies to improve health, social and cultural well being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Paragraph 69 deals with promoting healthy communities and is of relevance as health and wellbeing should be promoted across all sections of the community and engagement with local communities is important.

- 8.10 Supplementary guidance to the NPPF has now been published in the form of the National Planning Policy Guidance (NPPG), replacing all previous supplementary planning guidance, Circulars etc.

## 9.0 KEY ISSUES

1. Principle of development
2. Highway safety
3. Visual amenity
4. Residential amenity
5. Equality
6. Community uses of the building
7. Other issues

## 10.0 APPRAISAL

### Principle of development

- 10.1 Policy P9 states that new community facilities should be accessible by foot, cycle or by public transport in the interests of sustainability and health and wellbeing, and should not adversely impact on residential amenity. Although located in a predominantly residential area, the site's immediate surroundings are characterised by a wider range of uses, including industrial and workshop units and a school. Within this context, close to large areas of housing and public transport routes, the principle of providing sports, religious and educational facility is considered acceptable, subject to an assessment against normal development control considerations, such as design, parking/ highway safety and the impact on nearby residents.
- 10.2 The site is also a dis-used former frozen food factory, and was developed and extended over time, like many businesses due to growth, in a relatively ad-hoc way. The result of this means they are various buildings on the site, of a functional appearance, which appear mismatched and are out of character and scale with the adjacent residential properties. The previous use has ceased, and the site is mainly vacant and has an adverse impact on the appearance and character of Barkly Road. The site and its previous use are considered to be somewhat of an anomaly given the scale and appearance of the adjacent land uses. Therefore appropriate weight and consideration must also be given to the benefits of developing this under-used brownfield site, against the other issues which arise from the development proposals.
- 10.3 A sequential test has been submitted in support of the application, as the proposed Sports Centre is a leisure (D2) use, which planning policy both at national and local level states should be located within a local centre. The findings of the sequential test are accepted, as there are no available premises within nearby local centres of this scale which could accommodate a new sports centre of this size. As identified in many of the letters of support which have been received, the provision of community support, sports and educational facilities has the potential to be a significant asset for the local community, the principle of which is supported. However, the scale of the proposed building and the extent of some of the uses proposed and likely visitor numbers have the potential for considerable implications for the locality in terms of traffic generation, additional on-street parking and noise for example, particularly if the users are not local and arrive by private car or minibus / coach. The potential impacts of the development in these respects must be carefully considered and weighed against the benefits in considering whether the proposals are acceptable.

10.4 Concerns have been raised regarding the description of the proposed use as a 'sports, teaching and community facility,' and the potential for the building to be used as, or changed into, a mosque without requiring planning permission. Whilst not specifically described as a religious facility/ place of worship, the proposals have been considered on the basis of the submitted plans and statements, which detail the range and nature of uses proposed within the building. The plans do include a prayer hall, and therefore it is clear that the building is to be used for this purpose. The implications of the proposals in terms of highway safety and residential amenity which arise from these potential uses, as well as the other stated uses of the building, have all been taken into account in the consideration of the proposals and are addressed in more detail below.

10.5 The site has previously received outline permission for residential development, and it is noted that some local residents have expressed a preference for residential development or a children's play area rather than the development proposed. Although permission may previously have been granted for housing on the site, the site is owned by the current applicants and local planning authority has an obligation to consider the application before it, for an alternative community use, on its own merits and in accordance with current adopted development plan policy and other material considerations.

#### Highways

10.6 Many of those writing in objection to the proposals have raised concerns regarding the implications of the development for highway and pedestrian safety in the area, making particular reference to the potential for increases in traffic and on-street parking at certain times, particularly in association with larger weekly functions, Friday prayer times, and other events. At the pre-application Panel presentation in June 2013, Members also raised concerns regarding the scale of the proposals and the potential for additional on-street parking, particularly in relation to existing problems experienced during Leeds United match days for example.

10.7 In considering the implications of the proposed development in terms of traffic, parking and highway safety, regard has to be given to the following matters;

- The size, scale and capacity of the building and the range of uses proposed, including the degree of overlap between these, and which uses would be in operation simultaneously.
- The details provided in the applicant's transport statement, travel plan and draft management plan, including survey details and information from the TRICS database in relation to the trip rates and modal splits for other similar developments.
- Whether, if permission was to be granted for the development, any potential impacts could be satisfactorily managed by conditions which would be in accordance with the tests in the NPPF, including preciseness and enforceability.

10.8 The proposed building has a floorspace of around 3000m<sup>2</sup>, and is intended to accommodate a wide range of uses. The applicant has provided details of how they propose the centre would operate in terms of the opening hours and staff and visitor numbers for the various uses, and which uses would operate concurrently. As part of this, the applicant has advised that certain parts of the Centre would be closed during Friday afternoon and evening prayer times. The proposal has been scaled back in size, when compared to the previous application. For example, the previously proposed catering and private function facilities have now been omitted from the application.



- 10.9 Parking surveys carried out in the area show some capacity for on-street parking around the site. There is no guarantee that vehicles parking on-street in association with the development would use the spaces which are considered 'suitable' in this respect, particularly as some of these will already be in use by existing residents and businesses. Therefore, whilst not ruling out on-street parking *per se*, consideration must be given to the practicalities of this when weighing up to what extent this would be acceptable.
- 10.10 To overcome Highways concerns, this revised application now includes a basement level of parking, which provides 61 parking spaces. Highway Officers have stated that they consider that if parking demand is high then many visitors will chose to park on street rather than use the car park, particularly for short-stay visitors. This is because of the arrival profile at Friday prayers in conjunction with the car park design/ layout. The Cul-de-sac aisle on the ground floor level means that vehicles will have to reverse if the aisle is full, and the majority of spaces in the basement require negotiation of two 90 degree bends. The duration of visits for Friday Prayer, are relatively short (approximately 30 minutes) and it is unlikely people arriving by car would spend 5 or 10 minutes trying to park in the basement (the time taken would depend upon the number of users arriving at the same Prayer time).
- 10.11 However it is consider that the layout of the Basement parking level could be improved, for the benefits of ease of drivers, by losing a small number of spaces. It is considered that the level of parking proposed (160 spaces) should in theory, be adequate for a congregation of 250 people at Friday Prayer. However the main issue with this, is ensuring a maximum of 250 people are at the premises at any one time, and this number is not exceeded. This is a real concern as the building has the potential to accommodate a significant number of additional people, particularly if the Sports / Community Hall is used as an over-spill during Friday Prayers.
- 10.12 The applicant has suggested a number of restrictions on the development which they feel would mitigate any additional impacts in this respect. These include limiting the numbers of visitors, with planning conditions (which the agent has suggested), closing down certain areas of the Centre at certain 'peak' times, and having a electronic register to 'count' the number of arrivals, restricting the maximum occupancy to 258 people. It is unclear what would happen to any persons who arrived after the 258 count, should this occur, or how the count of people at the site could be monitored by the Local Planning Authority, to ensure the proposal doesn't create a highways safety issue.
- 10.13 The NPPF advises that 'local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.' However, it goes on to state that 'planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.' Supplementary guidance on the use of conditions in the NPPG advises that 'any proposed condition that fails to meet any of the [NPPF] tests should not be used. This applies even if the applicant suggests it or agrees on its terms.' Although the number of people attending Friday Prayer can be conditioned and secured through a Legal Agreement, as there are examples of this approach in other developments across the country, and the Council's Legal Officer have confirmed this, there is concern from Planning Officers on the practicalities of monitoring and enforcing such occupancy restrictions in this case where some doubt still remains as to how the premises will be used and operated. The lack of answers to the questions raised by the Head of Planning Services in his letter in late October

is disappointing as clarity has not been provided when opportunity to do so has been given.

- 10.14 Officers have looked at how this issue has been approached in planning decisions in other parts of the country. An appeal decision allowing a replacement mosque at Watling Street Road, Fulwood, Preston (Appeal Ref: APP/N2345/A/11/2147371 dated 4 July 2011) imposed conditions restricting the use to a Mosque and Madrassa only within Class D1, that during Friday Jumah Prayers in the prayer hall no activities shall take place within any other part of the building and no amplified calls to prayer be made or external speakers to be installed. A unilateral undertaking was also part of the decision which covered monies for a pedestrian crossing and TROs, the submission of a travel plan and bound the owner in the way in which the mosque and car park should operate, in particular the holding of Jumah prayers and the provision of a Madrassa and a limit on the number of prayer mats.
- 10.15 Because of the scale of the development and the capacity of the building, and the number and complexity of the range of uses proposed, it is not considered by Planning Officers that conditions can be easily monitored, which would control the development to an acceptable degree or meet the tests in the NPPF, particularly those requiring conditions to be enforceable. The NPPG guidance refers to unenforceable conditions including 'those for which it would, in practice, be impossible to detect a contravention or remedy any breach of the condition.' In the light of this it is considered by Planning Officers that, for example, conditions restricting visitor numbers and requiring certain parts of the building to be closed at certain times according to a relatively complicated timetable of activities would be difficult to monitor and enforce in practice, particularly when the size of the building is considered to have potential to accommodate significantly higher numbers than those indicated and the internal layout does not lend itself to having certain sections easily closed off. For example the Multi faith rooms are located on the 2<sup>nd</sup> floor corridor, which also includes the main Prayer room. Without being able to impose conditions which would meet the NPPF tests, the Local Planning Authority would have no means of controlling such matters, and the traffic and parking implications of the proposed development, if occupied to its full extent, would be significantly greater than anticipated in the submitted details.
- 10.16 Highway officers have stated it is not clear, how the multi-use Sports Hall and Community Hall would operate on weekends. The applicants have listed which events would not take place within this space, such as Weddings and Funerals, but has not actually stated what events would occur in this space (which they state would be occupied by a maximum of 50 people). We do not have enough information over the use of this hall, in order to consider conditions to control its maximum occupancy and use. This space is 619 sq m in size and has the potential to be occupied by far greater number of people over the 50 persons stated by the appellants. In comparison, the Prayer Hall is 343 sq m in area and the applicant's state this space will accommodate up to 250. In the absence of any details of how this space will be occupied and used on weekends, there is concern that the proposed use will lead to high levels of on-street parking on weekends, when nearby residents are generally at home and levels of on-street parking are higher, particular on the streets to the north and east of the site which are generally terraced properties with on street parking.
- 10.17 Highway officers are satisfied that during the construction phase adequate on-site parking provision is provided for the proposed temporary community uses with 45 parking spaces available, and that the temporary uses are unlikely to result in any undue highway safety or capacity issues or on street parking. Although a Travel

Plan has been submitted for the completed development, including measures aimed at managing parking and traffic during events and encouraging alternatives to car-based travel, it is not considered that such measures would, in themselves, be sufficient to reduce the demand for on-street parking to an acceptable degree, nor is it considered appropriate to introduce a use which would require such extensive levels of traffic management, including wardens to marshal traffic, on such a regular basis into a predominantly residential area.

- 10.18 It is noted that the site's former use as a factory involved large delivery vehicles coming to and from the site, and had a history of complaints relating to hours of operation, delivery vehicles parking and waiting on streets around the site and problems with vehicles using the rear entrance to the site. However, as large parts of the former factory buildings have now been demolished, it is not considered that the former use could recommence without requiring further planning permissions, or that this represents a realistic fallback position. Notwithstanding this, it is considered that the scale and nature of the development now proposed could result in a significantly more intensive use of the site which would generate other problems in terms of visitor parking on surrounding streets, as discussed above.

#### Visual amenity

- 10.19 A number of local residents have raised concerns regarding the scale and design of the proposed building, and that it would be out of character with its surroundings. At the pre-application presentation to Panel it was noted that the building would be large, and was evident in more distant views of the site as well as in the immediate streetscene. Particular concerns were raised regarding the colour of any cladding and the height and prominence of the proposed minaret. Extensive discussions have taken place with design officers regarding the proposals, both at pre-application stage and following the submission of the previous application, and some revisions have now been received.
- 10.20 The proposed extensions at the front of the site, intended to house various ancillary amenities including offices, changing rooms, toilets and washing facilities, would be predominantly two storey in design, stepping up to provide a higher three storey central section. A 2½ storey internal stair tower feature is also proposed to the rear to provide a second staircase to the upper floors. It is unknown if the building is capable of being converted as it is a portal frame, which will require extensive building works. The applicants have failed to respond to the queries regarding this, and whether this issue has been considered by a structural engineer.
- 10.21 The resultant building will have a relatively large footprint with some sections higher than surrounding buildings. However, some of the highest sections are existing buildings, and because of the level of demolition proposed, the overall footprint of buildings on the site would be reduced, and the buildings would be set back considerably further from the site frontage than is the case at present. These reductions and alterations to the layout of the buildings would serve to reduce their presence within the streetscene, and provide a greater degree of space around them, and it is considered that the site is capable of accommodating a building of the size proposed. When compared to the existing form of the building, it is considered that the proposals would improve the appearance of the building, and wider site. The design of the proposal has been amended through the application process and now has a more simplified appearance. It is considered that the proposal would appear more as a functional office building, as oppose to an obvious place of worship. The proposed cladding works would improve the appearance.

10.22 Although some planting is proposed along the site frontage and within the car parking areas, the landscape officer has requested further details about how this would be carried out, as some of the beds proposed appear quite small or narrow. The landscape officer has also raised some concern about the proposal to remove planting along the north western boundary.

Residential amenity

10.23 In terms of the physical impact of the proposed building on neighbouring residents in terms of its potential for overlooking, overshadowing and overdominance, it is noted that the sections closest to neighbouring residential properties to the rear are predominantly existing buildings which are to be retained, and that the front sections of the building would be set back over 35m from the site frontage, some distance from the houses on the opposite side of Barkly Road to the south west. Although concerns have been raised by residents that the buildings would cause overlooking of neighbouring properties, it is not considered that the proposals would have a significantly greater impact in terms of overlooking, overshadowing or overdominance than the large factory buildings which previously occupied the site.

10.24 The site has had a previous lawful industrial use, with restrictions on hours of operations on site (including loading/deliveries) of 8am-6pm Monday to Friday, 8am-12 noon on Saturdays, and no operations on a Sunday. The proposed opening hours of the centre are 8am-10pm and it is considered that a condition restricting opening to appropriate hours could be requested in the event that the appeal is allowed.

10.25 As the proposed opening times would be longer than those permitted for the former factory use, there is the potential for additional activity both later in the evenings, and on weekends, in particular on Sundays, when no operations were permitted previously. In the interests of maintaining the amenities of neighbouring residents, appropriate sound insulation measures would need to be incorporated within the buildings as advised by environmental health officers, and, as suggested by Members at the pre-application Plans Panel meeting, activities taking place at the site would need to be restricted to the internal areas, with no outdoor events, no external speakers and no marquees etc to be sited within the grounds.

10.26 On the basis of the size and scale of the building and the details submitted, it is considered that the proposed development could lead to considerable increases in activity, comings and goings to the site and possible on street parking if events with considerable capacity are held on a regular basis which could not be accommodated within the site and for which no details have been received. As well as raising concerns regarding highway safety, it is also considered that potentially considerable levels of disruption and disturbance caused by vehicles parking around junctions and commercial and residential access points on a regular basis, and larger passenger vehicles parking on streets close to the site would be of significant detriment to the amenities of local residents. Barkly Road is predominantly a quiet residential street and it is considered a large multi-faith/ sports community use catering for a much wider area than just the local area has the potential to have an adverse impact on the living conditions of nearby residents.

10.27 Whilst the applicant has suggested conditions can be imposed restricting the use of the site, uncertainty remains over the exact use of the sports/ community use, numbers of visitors and the applicants have not answered the questions put to them back in October. Concerns remain as to what restrictions can be put in place, and how this can be practically monitored and enforced. These matters would need to be resolved through the appeal process.

- 10.28 Concerns regarding the potential for pollution from additional traffic raised by residents are noted, but in the light of the site's context and previous use, it is not considered that the proposed use would have significantly greater implications in this respect.
- 10.29 The proposed undercroft parking level would be a significant engineering operation to excavate the soil to provide 61 parking spaces. This operation is likely to cause some disruption adjacent to residential properties, both in noise, vibrations, dust and the loading of HGV vehicles to remove the earth.
- 10.30 Officers in Building Control have stated that to construct the basement level of parking, piling would need to occur on the site boundaries, including the north-eastern boundary which abuts the properties at 1 Wooler Drive, 72 and 77 Wooler Avenue. Excavation would need to be approximately 5/ 6m in depth, to create foundations and a roof to support the ground level of parking above. It is also considered highly likely that the retained main building would need to be under-pinned to support the surrounding excavation works.
- 10.31 Minerals and Waste officers have calculated that the volume of excavation works is approximately 7240 m<sup>3</sup>, which allows for a ceiling height of 2.5m and 5% over on footprint so outside walls can be built. These estimates are on the cautious side. This equates to 660 lorry loads to remove the earth both travelling to the site, and 660 trips out from the site. These works could create significant levels of noise, dust and vibrations for adjacent occupiers. No information has been submitted from the applicants on how these works would be carried out. The applicants have been asked if they have given consideration to this issue, but no response has been received to this specific query.
- 10.32 Some objections have been received to the potential and likelihood of amplified sounds, and music played at events etc. Assuming the application was considered in all other respects, conditions would be imposed to prevent externally played amplified sounds, including 'calling to prayer'.

#### Equality

- 10.33 By virtue of Section 149 of the Equality Act 2010, in determining the planning application the Council has a duty to have due regard to the need to promote equality and to prevent discrimination on any grounds. As the proposed building is intended to provide a community facility, the segregation of access as indicated by the annotations relating to male and female entrances on the plans would constitute direct discrimination on gender grounds, and the Council cannot endorse a proposal which would result in discrimination in this way. Concerns were raised to the previous 2013 application which included separate male and female entrances, which was contrary to equalities legislation which prohibits discrimination on the basis of gender.
- 10.34 Following discussions with legal officers and the Council's Equalities Team in this respect, this was drawn to the applicant's attention, and all reference to separate male and female entrances has now been removed from this revised planning application. Although the building is still proposed to have multiple entrances, the applicant has been advised that the segregation of access to a community building as originally proposed would be unlawful and is not endorsed as part of the planning application, and that if the building were to be operated in this way, there is the potential for a challenge to be mounted against them as the operator.

10.35 As there is now no reference to segregated access to the building on the plans which would form part of the decision on the application, and having addressed this and advised the applicant of the potential implications if the building were to be operated with segregated access, it is considered that the Council has complied with its duty to have due regard to these issues in accordance with Section 149 of the Equality Act.

Community use of the buildings

10.36 Paragraph 69 of the NPPF recognises the planning systems important role in facilitating social interaction and creating healthy, inclusive communities, and goes on to state that planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres which do not undermine quality of life or community cohesion.

10.37 Concerns have been raised by many local residents that the building may not be made available for the use of the wider community and in particular those residents living in the immediate surroundings of the site, and that the development may lead to tensions within the community as a result. The appellants have failed to address queries raised by Officers which relate to what has been done in Beeston over the past 6- 9 months to build that sense of community that this centre is aiming at providing. A request for information relating to the where the worshippers attending Friday Prayer will be drawn from, recognising that there are several mosques to the east of Cross Flatts Park in City & Hunslet Ward has also not been answered. It is considered that this is information that is required to understand both how people will travel to the site ( to assessing likely parking demands) and if the proposed use will engage with existing local residents to create inclusive communities, or draw people to the site from outside the local area.

10.38 Policy SP1 of the Core Strategy seeks to ensure that all new development has high levels of accessibility. Whilst material to the consideration of planning proposals, this aim is an aspiration which the Council's planning policies seek to deliver, and something which is to be encouraged as part of planning proposals, but does not carry the same weight as those policies themselves in the decision making process. As noted by many of those writing in support of the application, the proposed centre has the potential to be a considerable asset to the local community, providing facilities for young people, meeting spaces for community groups, gym facilities for local residents etc. Whilst noting that the proposed centre would be a private facility, not operated in conjunction with the local authority, it is nonetheless considered important, to encourage the availability of these potential benefits for the use of the local community as far as possible.

10.39 As part of the application, the developer has provided an email confirming the membership of a steering group which has been established for the Centre, which includes representatives from a number of local groups and organisations, including the Hamara Centre, St Mary's Church, West Yorkshire Police, Beeston Action for Families and Beeston Primary School. The developer has also advised that the facilities would be advertised and made available locally, with a particular focus on engaging with disadvantaged sections of the community it is not known exactly how this would be achieved.

10.40 Overall doubt remains as to how the site will be used and there is a lack of clarity which has fuelled suspicion and objection, which is unfortunate. It is officers view that given the scale of the facilities being provided the location of the site is not one which is suitable for a non-local facility due to the impact likely from activity, comings and goings and noise and disturbance to local residents in a predominantly residential area.

Other issues

10.41 Concerns that insufficient public engagement was carried out by the developers prior to the submission of the application are noted. Whilst public consultation by developers is encouraged, it is not a statutory requirement for schemes of this scale, and it is also noted that some consultation was carried out at pre-application stage. The application, once received, was publicised by the local planning authority in accordance with Leeds' Statement of Community Involvement (SCI). Whilst concerns have been raised by some residents that they did not receive individual notification letters from the Council regarding the development, it is not the Council's policy to publicise major non-residential developments in this way. The application has been publicised by site notice and press notice in accordance with the procedures set out in the SCI. New site notices were posted advertising the changes made to the elevation treatments, and a further consultation period was given.

10.42 Concern has been raised by objectors that many of the support letters and emails received are from people living outside the Leeds area. Whilst this is noted, it is also noted that a considerable number of letters of support have been received from the local area. All material planning considerations raised in letters of both support and objection have been taken into account.

10.43 There have been a number of instances where comments have been submitted via the Council's website in duplicate several times. Comments received have been monitored upon receipt, and where such instances have been identified, all duplicates of the originally-submitted comment have been deleted. Where duplicate comments have been received, these have only been counted once in the counts for objection and support comments in section 6 above.

10.44 Many of the letters of objection are directed at the fact that the applicants are not being entirely honest with their true intentions on how the proposal would be run, used and on its actual target audience and catchment. Reference has been made to various information found on-line which refers to the proposal as a 'National Centre', drawing people in from neighbouring regions. This is at odds with information supplied by the applicant to support the application. The application cannot be assessed on here 'say, rumours, speculation or uncredited information found on-line, and as such the application has only been assessed against the submitted proposals.

10.45 A large volume of objection has also been received concerning the time taken to assess this application. As this Report details, the application is controversial with many issues to be considered which inevitably takes time to form a balanced assessment, particularly when revised detailed drawings and further reports (such as the sequential test) were required.

- 10.46 It is noted that some works have been carried out at the site, and compliance officers have visited the site on numerous occasions in response to concerns raised by local residents in this respect. As noted above, approval has previously been granted for the demolition of some of the buildings within the site which were unsafe, and some of these works have now been carried out. All other works taking place at the site have been found to be internal works to the remaining buildings, and as such are not development requiring planning permission. No permission has been granted for living accommodation at the premises, but it is understood that there is a 24 hour security presence on site.
- 10.46 The impact of a development on property values is not a material planning consideration and cannot be given any weight in the determination of the application.

## **11.0 CONCLUSION**

- 11.1 There are still a number of outstanding issues on the application with regard to uncertainty over the exact use and number of the people who could frequent the site, who exactly the proposal is targeting, and other issues which relate to the actual conversion and operation of the premises. It is not considered there is enough information for Officers to fully and properly consider the application to be totally aware of the likely consequences in terms of on-street parking and impact on the living conditions of nearby residents. It also hasn't been properly demonstrated how the proposal will facilitate social inclusion and inclusive communities with local residents and local community groups.
- 11.2 Against the Development Plan policy background and guidance in the NPPF a community based use in this local area could be an asset and a productive reuse of a brownfield site which has caused local problems in the past for residents. Balanced against the positive aspects of the scheme are remaining concerns about the impact of the scheme on local residents and the local highway network because this is a major scheme with a substantial amount of floorspace and extensive car parking provided on site. It has the potential to generate significant activity from comings and goings and to cater for large scale events and to bring substantial numbers of people into the area. Whilst it is accepted that some of this may be capable of control through planning conditions and a S106 agreement there is still some doubt as to what we are dealing with and what the full implications of that may be for the local community and how it can be adequately controlled.
- 11.3 As the applicants have now appealed against non determination it is recommended that members authorise officers to make representations to the Inspector based on the outstanding concerns which have been set out in the report as at present officers are not in a position to conclude that a development of this scale is acceptable in this location and has sufficiently overcome outstanding amenity and highway concerns.

### **Background Papers:**

Application file 13/05214/FU and pre-application documents on file PREAPP/12/00279.  
Certificate of Ownership: Signed by applicant.



## **APPENDIX 1: MINUTES OF PLANS PANEL MEETING 20<sup>TH</sup> JUNE 2013**

Plans, photographs, drawings and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day

Officers presented the report which related to pre-application proposals for a religious community centre, sports hall and catering business at 49 Barkly Road LS11. Members were informed that the character of the surrounding area was predominantly residential, although other uses including industrial use, workshops and a primary school surrounded the site. In terms of car parking, 74 car parking spaces at the front of the site were proposed together with 3 coach parking bays. The proposed catering unit would be a self-contained unit and have a separate access.

In respect of the design of the proposals, discussions had taken place on this and some revisions had been made. A particular feature of the main building would be the erection of a 16m high minaret, although this would be for decorative purposes only. For information, Members were informed that the highest point of the existing buildings measured 13.5m.

Highways issues remained a concern, particularly in view of the proposed mix of uses on the site and the implications this could have for on-street parking. Further information was being sought from the applicants to enable a full assessment to be undertaken of the highways issues involved.

The impact of the proposals on residential amenity would also need to be considered. The previous factory use on the site had generated complaints about operating hours and delivery vehicles waiting to offload, causing noise and disturbance to local residents. The proposals would need to be assessed to establish whether the intended uses would generate similar or different problems. In respect of the catering unit there was the potential for noise and odour from extraction equipment.

Officers reported the receipt of 33 additional letters of representation which had been received following publication of the report, with issues relating to impact on existing businesses; an intensification of uses on the site; possible longer operating hours and that a residential scheme which would provide affordable housing was more suitable in this location.

The Panel received a presentation on the proposals from the applicant who provided the following information:

- That that the charity Aspiring Communities was behind the application. This organisation was run by volunteers and its aim was to improve communities, tackle prejudices and stereotypes, with community cohesion being a priority. The charity catered for all aspects of society and had members in over 30 towns and cities.
- That Beeston was a multi-cultural part of the city; that it lacked investment; that it benefitted from the presence of a large number of faiths and that it was a sustainable location, with good public transport links to the wider area.
- That the proposed uses would be a community hall; sports and recreation hall; Islamic learning centre, incorporating a multi-faith centre and a catering unit. A charity drop-in centre would also be provided for use by other charities.
- That the proposals represented a ground-breaking scheme and that both positive and negative feedback had been received to them.

- That the scale of the development had been reduced from its original idea, to enable the massing of the building not to increase its impact on the nearby residential dwellings.
- That extensive parking was being provided on the site but that one or two large scale events, for up to 1500, would take place annually, which would require considerable additional parking, with the possibility of using an area off site for parking and then providing a shuttle service to the venue. The timing of these large scale events would be arranged so as not to coincide with a Leeds United home game at Elland Road.
- That a phased approach would be taken to the development and occupation, with the offices being retained as a temporary centre.
- That a traffic assessment for all of the proposed uses had been carried out by a reputable, independent company which had been submitted to Officers.
- Regarding numbers using the venue, that this would be managed through a booking system; that a range of uses could be accommodated for, although the capacity of the function room would be for 400 and that the cost of using the facilities would be subsidised for low income families. With the exception of the large annual events, in general, large numbers would not be catered for.
- That greater function hire was likely to take place at weekends, with a function possibly taking place once a week.
- That a Board had been formed two years ago for this community stakeholder project.
- That 8 paid posts would be created through the scheme, with one of these being a sustainability manager, to manage the centre on a day to day basis and that the jobs created would be for local people.
- That a significant investment of £4-5m was being made for this innovative scheme.

Members then heard from a representative of Beeston Forum who provided the following information:

- That Beeston Forum opposed the proposals due to concerns about highways and disturbance to residential amenity as from the plans it was clear that a large number of people would be visiting the site.
- That lengthy opening hours were being proposed.
- The proximity of the school to the site, with concerns that this was closer than shown on the submitted plans.
- The likelihood of on-street parking occurring from people visiting the premises and the increased traffic generation the development would create.
- Concerns about the proposed catering unit and the potential for nuisance to the residential dwellings sited nearby.
- That a previously approved residential scheme was more appropriate for the site and that the scale of the proposals were too large for this area.

The Panel then had the opportunity to ask questions of the two speakers and then comment on the proposals.

Members commented on the following matters:

- That further information on the membership of the Board and the sustainability of the organisation was requested.
- Concerns about possible numbers using the site for functions. On this matter the Panel noted Mr Rahman's comments that there was not an intention to let the premises as a commercial venture and that he was willing to accept a condition preventing wedding functions from taking place on the premises.
- The use of the premises for funerals and the possibility of a large number of car borne visitors attending these, with concerns about highways and parking issues. The Panel

again noted Mr Rahman's statement that the organisation would accept conditions relating to these issues, if it was felt appropriate.

- The facilities available for young Muslims in the area, particularly primary school children. Members were informed that all age groups were catered for and along with sports facilities there would be evening classes, health and career advice and support for a range of issues, including language.
- The prayer facilities; the peak time for their use and the likely method of travel, with mixed views about this. At this point Councillor Akhtar drew Panel's attention to the fact that he was a practising Muslim, as he felt it was in the public interest to do so.
- The possibility of pressure being put on the organisation to hold larger events more frequently than was intended. The non-profit nature of the scheme was reiterated, with the possibility of conditioning event use being suggested by Mr Rahman.
- The Governance arrangements, with Members being informed that operational sub-committees would be established which would be made up of local people.
- The need for further consultation to be undertaken within the local area, particularly with the local faith communities, Beeston Forum and other groups which were not part of the Aspiring Communities organisation
- The particular problems of on-street parking in this area due to the proximity of Elland Road and the potential for this to worsen if the parking issues associated with the scheme were not properly addressed from the outset.
- Whether there was a demand in the area for affordable housing and the need for details to be provided of the number of sites in the Beeston and Holbeck Ward designated for future housing development.
- The scale of the development, which for context, was slightly larger than the proposals for a new supermarket being considered later on the agenda, and also for context, the level of car parking being proposed in the two supermarket developments before Panel, i.e. 164 and 195 spaces respectively, and whilst accepting the use was different, that only 74 car parking spaces were being proposed for this scheme for uses where people could be expected to park for several hours.
- That proposals represented an extremely large, community facility.
- The need for any traffic management plan to be robust and sound, be submitted to Panel and include details about how it would be controlled and enforced.
- Concerns about the design of the building; how the different areas would be used and whether, from the drawings provided, sufficient light would be available for the various intended uses.
- That the decorative minaret should not exceed the height of the highest point of the building; that the diversity of brickwork on the frontage was welcomed but that further design improvements were needed to the front elevation.
- That further conditions should be considered regarding no music outside the building; no marquees to be erected or outdoor events held and possible noise restrictions at the boundary, in the interests of protecting residential amenity.
- That local Ward Members and residents felt strongly there should be no access to the catering facility from the rear entry to the site, as the use of this access had led to issues of noise and nuisance from the former occupier of the site. A condition in respect of the size of vehicles to the catering unit should be included and that this should specify no HGVs.
- The need for the catering unit to be properly conditioned to prevent noise and odour nuisance.
- The hours of operation of the sports hall which should be reduced from 10.00pm to 9.00pm and that some sound insulation to this area should be required.
- That the principle of this development could be beneficial, particularly the principle of community cohesion but that much more information on how this could be achieved was required.

- The scale and design of the existing development, with concerns that the current material of the large, modern unit on the site was unacceptable and that better cladding of this should be required as part of the proposed scheme.

In respect of the specific issues in the report where Members' comments were sought, the Panel's Lead Officer summarised these from the comments made and noted that whilst there was support in principle for the scheme, concerns remained in respect of:

- Scale and design;
- Highways and parking;
- Impact of the proposals on residential amenity;

and that further information was required on these matters and the other issues raised by Members, including details about the community cohesion the scheme could bring to the area

RESOLVED -

To note the report, the presentation and the comments now made.

**APPENDIX 2: LETTER TO AGENT DATED 28.10.15**

Mr Chris Weetman,  
CW Planning Solutions Ltd,

Planning Services  
The Leonardo Building  
2 Rossington Street  
LEEDS  
LS2 8HD

Contact: Martin Sellens  
Ref: 14/06007/FU  
Tel: 0113 2478172

Email: [martin.sellens@leeds.gov.uk](mailto:martin.sellens@leeds.gov.uk)

Date: 28<sup>th</sup> October 2015

Dear Mr Weetman,

**Planning Application 14/06007/FU Aspiring Communities at 49 Barkly Road, Beeston**

First of all can I apologise as I recognise it is a long time since we took the decision to withdraw the report to the South & West Plans Panel on the eve of the meeting of the 6<sup>th</sup> August and I have not been in a position to write to you since then. I got involved with the application at about the time of that meeting in August and since then have spent some time looking at the background, speaking to the members of Council and seeking to understand some of the issues. As Head of Development Management I also have a number of pressures and competing priorities so it has taken me longer than expected to be able to write this letter to you.

I fully recognise this is a sensitive application locally with strongly held views on both sides. I am aware of the history to the site, the previous use by Ice Pak, the outline permission for housing most recently granted in March 2011 and the last application by Aspiring Communities for a more substantial scheme which was withdrawn in March 2014.

I am conscious this application was submitted back in October 2014 and that you became involved with it back in January this year. I am also aware that you have been critical of the way that officers have handled the application to date and are not satisfied with the Stage 1 response you have received and are now due a Stage 2 response. That is also with me but I would prefer to try and move forward if we can to clarify outstanding matters and reach a decision on this application. In that context I am aware that your clients could have appealed against non-determination, but to date have chosen not to do so. Your clients

will also be given the opportunity to address members of the Plans Panel when the application is brought for determination ( as will those who have objected) and should the application be refused by the Panel you have the recourse of pursuing the proposal through the planning appeal process.

In my reading through all the background papers and considering the plans what is clearly needed is clarity about the proposed use, how it will be brought about and what the benefits and impact will be on the local community. To that end the table as set out in Ian Cyhanko's report tabled for the 6<sup>th</sup> August Panel at para 2.3 as amended by your e mail response setting out proposed controls and suggested conditions gives a good summary of the uses, capacities and suggested controls. The proposal involves less floorspace than the 2013 application and less floorspace than the existing buildings on site but I do require clarification as to the exact floorspace now proposed as there are differing figures in the submissions and documents. What is clear is that the floorareas proposed are still substantial and could give rise to substantial numbers of people accessing the buildings at any one time although this will clearly depend on the programme of activities.

I note that Aspiring Communities are a registered charity ( 1141103) operating in Leeds City and Pakistan and I have noted their objectives and aims as an organisation on the Charities Commission website. I have also looked at the Aspiring Communities website and note they have a local Steering Group comprising Ed Carlisle, Geeta Lota, Jeremy Morton, Martin Flynn, Gary Blezard and Rev. Lindsey Pearson. What is not so clear to me is who this centre is for and where people will be drawn from to use it. This becomes important in both promoting healthy communities ( para 69 of the NPPF) and also in terms of the potential traffic and transport implications of the proposal. Whilst the statement of community involvement gives some information it is also clear that groups from outside the local area and across the city have been engaged – clarity is needed on this and I want to give you an opportunity of submitting any updated information you have about that and what has been done in Beeston over the past 6-9 months to build that sense of community that this centre is aimed at providing. In terms of the prayer hall which has a capacity of some 250 for Friday prayer where will these worshippers be drawn from recognising that there are several mosques to the east of Cross Flatts Park in City & Holbeck Ward?

I note there are a total of about 160 car parking spaces, of which 98 are surface, 13 in the area to the rear and some 50 in the basement. As you will be aware Highways colleagues do not consider that the basement spaces are likely to be used for Friday prayers given how they are accessed and laid out – do you have a car park management plan for the basement level and how this is likely to be used?

In relation to the basement car parking level then it seems to me that a significant amount of excavation is likely to be needed to bring this about and in providing the access to it – has this been looked at by engineers and do you have any calculation as to the likely volume and the number of lorry movements needed to remove excess materials from site?

Finally can I just ask about the plans to use the large cold room as the substantive proposed building on site. I understand this is a portal frame building – can you please clarify that this can be converted as indicated and that this has been considered by structural engineers – I assume the frame is being retained but the existing walls and roof will be new construction and replaced – can you please confirm this is the case and that the sports hall and prayer room above can be accommodated within it.

The next available meeting of the Plans Panel is on Thursday November 19<sup>th</sup> – to meet that we will need to have completed our report by the end of the week on November 6<sup>th</sup>. If you need more time to be able to respond then please let me know, I am conscious of the delay in replying formally to you.

I am placing a copy of this letter on Public Access so it is clear to people that I have formally written to you and I will also upload any response from you.

Yours sincerely,



**Martin Sellens MA, BSc, MRTPI**  
**Head of Planning Services**



**APPENDIX 3: REPLY FROM AGENT, LETTER DATED 8.12.15**



08/12/2015

Re 49 Barkly Road, Beeston, Leeds

Dear Mr Sellens

I refer to your letter of the 28<sup>th</sup> October with regard to the above site and your email enquiring whether we would be replying before the LPA discussed the matter in January 2016.

As you are aware the timing of your letter of the 28<sup>th</sup> October came at a point whereby we had already come to the conclusion that the LPA were not willing to enter into meaningful discussions. Indeed the letter could be said to have come out of the blue, following our previous unanswered requests to engage following the decision by the LPA itself, to withdraw our application from the panel, the day before the panel was due to consider the proposal, approximately 10 weeks earlier

Whilst your letter was welcome, in that it showed some consideration of the issues had taken place during that time period, we were of the opinion that in many respects the letter was a condensed version of the criticisms contained in the application report written by the case officer at the time of the panel in early August.

What I noted in the letter is that:

- a) the issues of discrepancies between plans was being raised ( page 2 first full paragraph)
- b) The issue of users (and in particular the potential for outsiders to use it) was AGAIN being raised (page 2 second full paragraphs)
- c) Again the issue of the basement car parking was raised (page 2 third full paragraphs)
- d) Excavation, which was raised relatively speaking in the last month of an application that had been with officers for almost a year and was never raised with the first application and formed the second reason for refusal (page 3 first paragraph)
- e) A new issue –whether the use of the cold store room was achievable (page 3 second full paragraph)
- f) Timescales given to us in the letter, which were impossible for us to achieve for the November committee!

My view was that this added nothing new or constructive to the debate and discussion, and gave no indication of what if anything the LPA required us to amend in order that they might change their professional opinions and recommend approval.

I canvassed the views of my clients and our legal advisor and no one disagreed with my summary.

As we had already taken the decision to appeal against non determination, indeed your letter of the 28<sup>th</sup> recognises that we could have done that considerably earlier than we did, we felt that the letter did not offer us any comfort that there was likely to be a positive outcome should we engage further with you on these matters.

Let us be realistic at this point. Concerns regarding scale of the proposal and the possibility that some space could be used to increase capacity at the most busiest times, concerns that the car park would not be used, concerns that this was actually something larger and more national in its outlook rather than for local people had all been raised previously and had all been addressed by our selves. Whether officers chose to believe us, or whether officers accept our assurances and our offers to place appropriate legally binding controls is not something that we could do anything more about. If someone refuses to accept something that is ultimately down to them. The most glaring example of this is a condition to control numbers or ignoring the offer of a Section 106 agreement. If the LPA ask us to provide one, and we do , it is at least incumbent of the LPA to explain why it will not work, using the right references from the National Planning Practice Guidance, and not just say they don't think it will work. Whether they are right not to do so, or even unreasonable in not doing so will now be tested, and thoroughly tested.

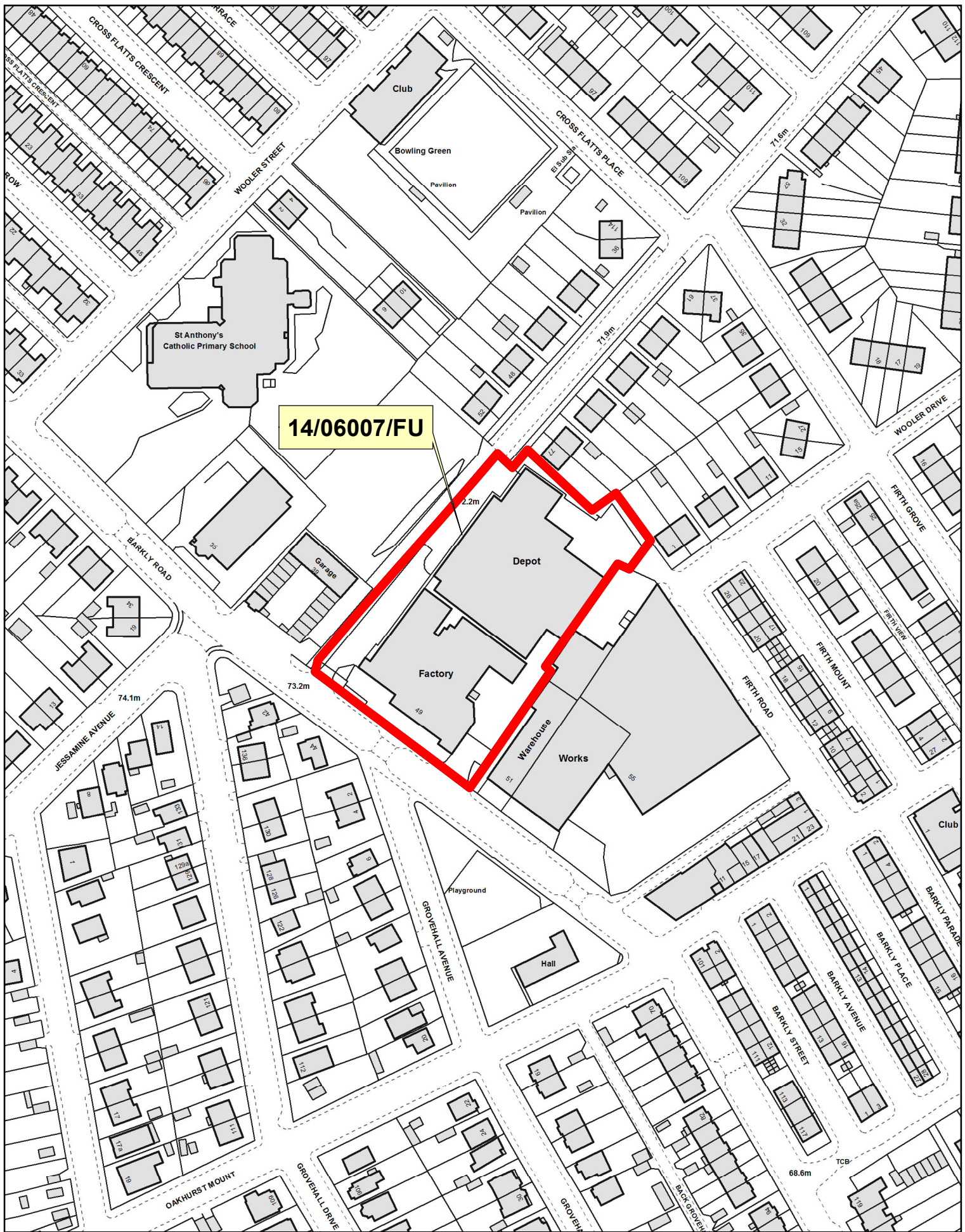
Similarly we were shocked and professionally disappointed to find issues raised around earth movements that were never raised with the first application, never raised in discussions between the two applications, and not raised until July 2015 some 8 + months after this application was submitted. Sorry, did someone just have that thought in July, and why then place that as a second reason for refusal in a public report when we have not been given time to address it and actually then say In the report it hasn't been addressed in the three or so week timescales between raising it and going to panel, is beyond belief.

Indeed I had prepared a comprehensive and highly critical 14 page analysis of that report to panel which were due to send to all members of the panel but which was never sent because the application was withdrawn.

Now you have raised the issue of the cold store, which has never been raised before and also discrepancies between plans, although what these discrepancies are is not clear.

In conclusion therefore we did not feel that the letter explained why the application had been withdrawn the day before the panel was due to consider the application. If officers were so confident of their position before the panel in August despite my own professional views on its clarity and content, I do not believe the application would have been withdrawn. Subsequently we felt the letter offered us no comfort or even hope that officers could find a way to support us, there was no offer to come and discuss matters across the table or indicate what may be acceptable, as such after over 3 years of negotiations, and frustrations with the process the applicants have chosen to take the decision out of Leeds City Council's hands.

I trust this now explains why the applicants have taken the approach they have taken and that the panel will take due consideration of the issues I have outlined above.



# SOUTH AND WEST PLANS PANEL

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