
Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 1st September 2016

Subject: APPLICATION 16/03161/FU Detached classroom block at SLP College, Main Street, Garforth

APPLICANT

Mrs Sandra Jenkins

DATE VALID

2nd June 2016

TARGET DATE

28th July 2016

Electoral Wards Affected:

Garforth & Swillington

☐ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: APPROVE subject to specified conditions:

1. Temporary permission (5yrs)
2. In accordance with approved plans
3. Details of external walling materials
4. Restriction on noise level from nearest sensitive properties

1.0 INTRODUCTION:

- 1.1 This planning application is brought to Plans Panel (North and East) at the request of Ward Members (Cllr Mark Dobson and Cllr Sarah Field) for reasons relating to the college site's slow encroachment on the surrounding public amenity. The Ward Cllrs cite previous expansions of the premises, breaches in planning control and that the site is tight/hard to access and very close to residential properties and consider that further development, even temporary, is inappropriate.

2.0 PROPOSAL:

- 2.1 This application seeks permission to site a modular classroom building within the site of the SLP College complex. The proposed classroom building is single storey in height with a shallow dual pitched roof over. The building has a broadly square

footprint (9.9m in width and 9m in depth) and elevates to a height of 3.1m (to eaves) and 3.4m (to roof ridge). The building is to have a grey/ blue rendered elevations to its sides and the inward facing elevation and with a red brick finish applied to the elevation facing Main Street.

- 2.2 The proposed building stands on an area of crushed hardcore lying between two established two storey properties and adjacent to the college's existing car park. The proposed classroom building is set back from the site's Main Street frontage and the adjacent flanking buildings at a distance ranging from 1.6m-3.3m. The building stands approximately 1.7m and 2.2m from these adjacent buildings. The proposal includes some tree planting to the front.
- 2.3 The classroom building will accommodate an open teaching space with associated entrance lobby and storage room. The teaching space is intended to cater for academic study and acting classes to meet educational and disabled access requirements. The applicant advises that the academic work and acting classes currently take place within the main college building and in the hall next door, but the first floor room has no disabled access. The applicant obtained planning permission to re-develop this portion of the site in 2008 (3 storey building containing a retail unit, recording studio and a flat above) although for financial reasons this was not implemented and that permission has lapsed.
- 2.4 The proposed classroom will accommodate 5 classes a day (14 pupils per class) with the classroom used between 08.15-19.00hrs (Mon-Fri) and 09.00-17.00hrs (Sat) during college term times. The classes are to involve no music and are tutor led and will cater for existing student numbers and will share the associated parking and other facilities within the college site.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site relates to the Studio La Pointe (SLP) Dance College and its associated car park. The proposed classroom building is to be positioned towards the western end of the site on a portion of unused land (covered in tarmac/ crushed hardcore) which lies adjacent to the Main Street frontage although a high green painted timber panel fence stands between. The vehicular access to the SLP site is currently achieved from Chapel Lane.
- 3.2 The SLP college site borders a number of residential dwellings that back on to the complex (dwellings along Chapel Lane, Chapel Close and Oak Road). To the immediate north of the site is a mature two storey red brick property (No.62 Main Street) that has a vacant shop unit at ground floor and accommodation above and this property is within the applicant's ownership. To the immediate south of the site is a two storey white rendered property that contains a takeaway. The side elevation of this property has no openings and two external flues attached. The buildings to this side of the site extend eastwards (fronting Chapel Lane) and contain a beauty salon (with velux windows in the roof plane facing the college car park) and a detached dwelling that has a short rear garden area.
- 3.3 This portion of the SLP College site lies within the defined Garforth town centre and Main Street contains a range of retail, commercial and community uses accommodated within a mix of building styles with red brick the predominant construction material.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The site has an extensive planning history and the following applications are considered to be of relevance:

08/03494/FU 3 storey building to include retail unit, recording studio and 3 bedroom flat- Approved (23/02/09).
08/05846/CLE Certificate of existing lawful use for opening hours (07.30-23.00 Mon to Sat and 08.00-20.00 Sun) of dance college- Approved (06/05/09).
08/02298/FU Variation of condition No.15 (opening hours) of planning permission- Refused (12/06/08)
07/05133/FU: Amendment to approval 06/01771/FU for 3 storey side extension to dance college - Approved (12/02/08).
06/01771/FU: 3 storey side extension to dance college - Approved (20/11/06).
06/01770/FU: Erection of 3 storey building comprising 11 flats and 3 shop units - Withdrawn (09/06/06).
33/508/04/FU: Single storey side extension to dance & drama college - Approved (26/07/05).
33/382/03/FU Single storey extension to form changing rooms to rear of dance school- Withdrawn (03/11/05)
33/284/01/FU Part new roof to dance school- Approved (15/10/01)
33/199/99/FU 2 storey extension to proposed extension to Dance Studio- Approved (05/10/99)
33/61/99/FU 1st & 2nd floor side extension to Dance Studio- Approved (15/06/99)
33/175/93 Single storey side extension to dance school- Approved (18/10/93)
33/381/90 Alts, incl recladding, to form 3 dance studios, changing rooms, laundry, reception, store rooms and café...- Approved (06/02/91)
33/263/90 Change of use of warehouse with offices to ballet studio, costume hire with ancillary offices with car parking- Approved (30/10/90)
33/961/79 Change of use of factory to musical instrument warehouse with offices- Approved (31/12/79)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 During the assessment of this application, additional information was obtained from the applicant to inform officers for what purpose the classroom building would be used, frequency of use, pupil/staffing numbers and clarification on car park layout. Amendments to introduce a brickwork finish to the Main Street facing elevation were also obtained.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised through 3 site notice displays posted on 17th June 2016.
- 6.2 8 letters of representation received raising objection to the application proposal based on the following summarised grounds.
- Garden borders SLP car park and regularly subjected to high levels of noise (car doors, music, engines) and disturbance (headlights shining); congregation of students (incl. break-times); further expansion of college will make matters worse; noise to nearby commercial units (funeral directors) and upper floor tenants;

- Parking issues with car park at capacity; college visitors use public car park opposite (less spaces for shoppers); safety issues with children crossing Main Street; issues with coaches parking up on Main Street (restricting traffic flow and driver visibility) will become worse.
- Increases in traffic to Chapel lane and Chapel Close (from drivers looking for spaces/ turning round); bottlenecks along Chapel Lane during drop-off/pick-up- residents having to wait to drive out of their properties; increased usage of the site will make matters worse- knock-on impacts to Main Street; Chapel Lane has no footway;
- Classroom not in keeping with the surrounding area and an eyesore/ unsightly; classroom building appears to offer little sound insulation;
- Insufficient/unclear information- if classroom used for singing, dancing or drama lessons it would be unacceptable because of noise levels- have serious existing noise issues with college and this would aggravate noise nuisance; plans show access to first floor accommodation? Is it to be used as a recording studio/student accommodation? Confirm it is not a permanent building; Inconsistencies in the submitted parking layouts;
- Classroom to be placed over a main water pipe and possible mine shaft- issues of ground stability.
- How many extra students will be accessing the college as a result of the proposed classroom?
- Previous permission raised highway concerns about insufficient car parking.
- No provision of acoustic fencing as agreed under 2008 application.
- Lead to further increases in property size over time which will overlook property (No.2 Chapel Close).

7.0 CONSULTATION RESPONSES:

- 7.1 Coal Authority: Proposed building involves no significant groundworks so no requirement to consider coal mining legacy matters as part of planning application.
- 7.2 Highways: Clarification requested on car parking layout; staff/student numbers, use of classroom and boundary line. Information subsequently submitted and considered as part of this report appraisal (para. 10.7).
- 7.3 Flood Risk Management: No objection, records show the classroom will not obstruct access to any sewers, culverts or existing drainage.

8.0 PLANNING POLICIES:

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

Local Planning Policy

- 8.2 The following Core Strategy policies are considered to be relevant:

- SP1: Location of development.
P1: Identifies the designated town and local centres.

- P2: Acceptable uses in and on the edge of town centres.
- P9: States that access to local community facilities and services, such as education, training... and recreation is important to the health and wellbeing of a neighbourhood although should not adversely impact on residential amenity and should where possible be located in centres.
- P10: Seeks to ensure that new development is well designed and respect its context.
- EN5: Seeks to manage and mitigate flood risk.
- T2: Seeks to ensure that new development does not harm highway safety.

8.3 The western end of the application site is located within the defined town centre of Garforth as designated within the Unitary Development Plan Review (2006) proposals map. The remainder of the site is unallocated. Accordingly, the following saved UDP policies are considered to be of relevance:

- GP5: Seeks to resolve detailed planning considerations including design, access and amenity.
- N25: Site boundaries should be designed in a positive manner.
- BD5 refers to the design of new buildings giving consideration to own amenity and surroundings.
- LD1: Requires developments to be adequately landscaped.

8.4 The following Natural Resources and Waste DPD policies are also considered to be relevant:

- WATER 7 : All developments are required to ensure no increase in the rate of surface water run-off to the existing formal drainage system and development expected to incorporate sustainable drainage techniques.

Supplementary Planning Guidance:

8.5 Leeds Parking Policy

National Planning Policy

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

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

8.8 The NPPF gives a presumption in favour of sustainable development and identifies it's social role, *'supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations... with accessible local services that reflects the communities needs and support its health, social and cultural well-being'* (para.7, NPPF). Moreover, the NPPF identifies a range of core planning principles which should to underpin decision-making and these include, *'to seek a good standard of amenity for all existing and future occupants of*

land/ buildings’ and ‘deliver community and cultural facilities and services to meet local needs’.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The proposed classroom building is to stand to the vacant portion of the western end of the existing SLP College site, within the defined Garforth town centre boundary. The proposed classroom is to consolidate the academic study and acting classes within a single building to support the overall educational function of the college. It is considered that the proposal would broadly accord with the objectives of the town centre based policy approach and assist the provision of educational facilities at this established college site. Accordingly, the principle of the development is accepted although regard to residential amenity, visual amenity and highway safety are important factors to consider and these are appraised below.

Impact on residential amenity

- 10.2 The classroom building is proposed to stand in a gap between No.58 (hot food takeaway) and No.62 (vacant shop unit) Main Street. The building is single storey in height and is set back from the front wall of both these flanking properties and will not extend beyond the rear wall. There are no facing windows to the side elevation of No.58 and only a single ground floor window (serving shop unit) on the side facing elevation of No.62. An existing timber fence also extends to the front and side to where the building is proposed to stand and offer a further barrier to views from the classroom. Overall, given the footprint and position of the classroom building allied to the commercial nature of the adjacent properties the proposal is not considered to be unduly harmful to the amenity of those immediate neighbouring occupiers.
- 10.3 The application proposal has attracted objections from a number of residents whose properties abut the college site and it is important to give due regard to the amenity impact the proposed building will have on those residents. The objections received (see paragraph 6.2 of this report) cite longstanding concerns about how the college operates and the behaviour of their students. The amenity concerns range from noise outbreaks from the main college building, the noise and disturbance from comings and goings (both vehicular and pedestrian) and the general activities within the car park area that lies close to neighbouring domestic gardens. The concerns follow that any additional expansion of the college, through this classroom building will exacerbate these impacts.
- 10.4 The proposed classroom building is intended to accommodate academic studies and acting classes which are currently held elsewhere within the main building and in an adjacent hall. The applicant confirms that the pupil numbers will not change and that

the room within the main college building vacated by the existing classes will be used as a library/ study room. The applicant has outlined the nature of the classes (i.e. no music), class sizes, times and frequency of use and that the building will share existing facilities at the college site (as referred to in paragraph 2.4). It is considered that the consolidation of the existing education activities within the proposed classroom building will not represent a significant material change to the existing circumstances at the college site. Whilst students/ staff will now be required to access the proposed detached classroom building, from across the car park, it is not considered to lead to a significant difference in the existing patterns of comings and goings at the site as a whole. Nevertheless, mindful of the experiences reported by residents and the close proximity of their properties to the college site it would be considered reasonable to impose a restriction on noise levels from the proposed classroom in relation to the nearest residential properties.

Impact on visual amenity

- 10.5 The proposed classroom building is single storey in height with a flat roof over. The building is set back from the Main Street site frontage and will be positioned between two significantly taller properties which stand to the back edge of the pavement. This relationship effectively screens views on approach to the site from the north and south. Allied to this the building will stand behind an existing timber fence and it is considered that the classroom building will be relatively inconspicuous within the street view. Moreover, it was observed on site that flat roof forms are not untypical along Main Street and the property opposite (No.105) also utilises a flat roof form. Nevertheless, it is considered reasonable to ensure that the public facing elevation of the classroom building reflects the predominant external material finish of the locality and amendments have been carried out to detail a brickwork finish. Notwithstanding this, the proposed classroom building is modular in construction and temporary in appearance and for this reason a temporary permission could only be advanced until such time as an appropriate permanent building is considered.
- 10.6 It is noted that some objectors have highlighted inaccuracies and inconsistencies within the submitted planning drawings (e.g. annotations for first floor accommodation). These errors can be attributed to the applicant using the historical plans which accompanied applications in 2008 and for clarity replacement drawings were submitted.

Highway implications

- 10.7 The proposed classroom is located within the college site and will make use of the existing vehicular and pedestrian accesses (via Chapel Lane) and the associated car park. Whilst the concerns of the objectors are noted in regard to existing traffic and parking issues at the college site, fundamentally the proposed classroom is to provide a teaching space requirement that is currently provided at the site and the adjacent hall and as such is not considered to significantly materially impact on the comings and goings experienced at this established dance college site.

Other matters

- 10.8 In respect of flood risk and drainage matters, Council records show the proposed classroom block will not be obstructing access to any sewers, culverts or existing drainage on or near to the site. This area of land is already laid out with an

impermeable surface and the proposed classroom block will not be increasing this and will have a neutral impact on surface water drainage.

- 10.9 The application site does fall within the defined development high risk area for coal mining legacy however given that the proposal is for a temporary type structure that involves no significant groundworks it is exempt from requiring a risk assessment report.

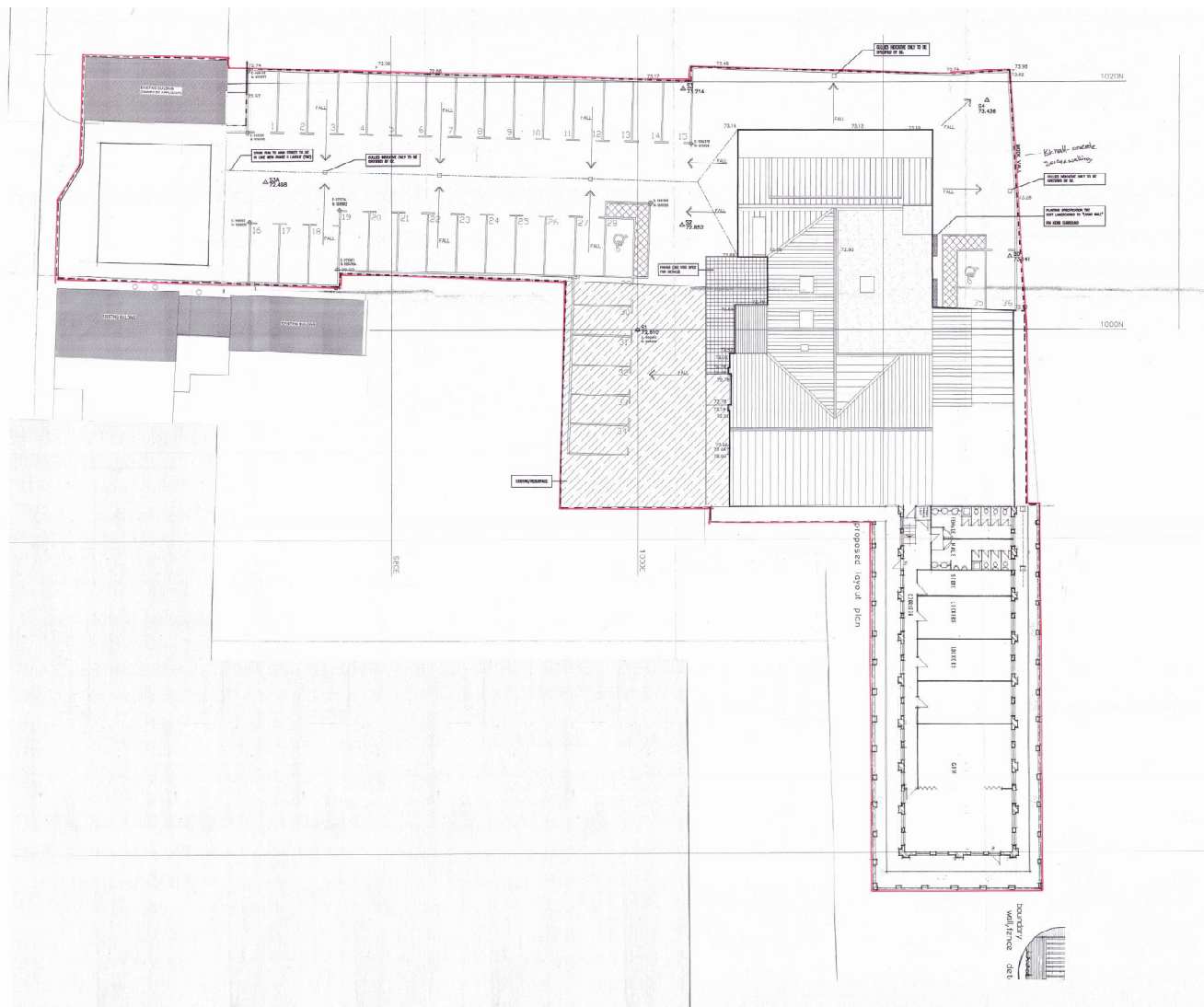
11.0 CONCLUSION

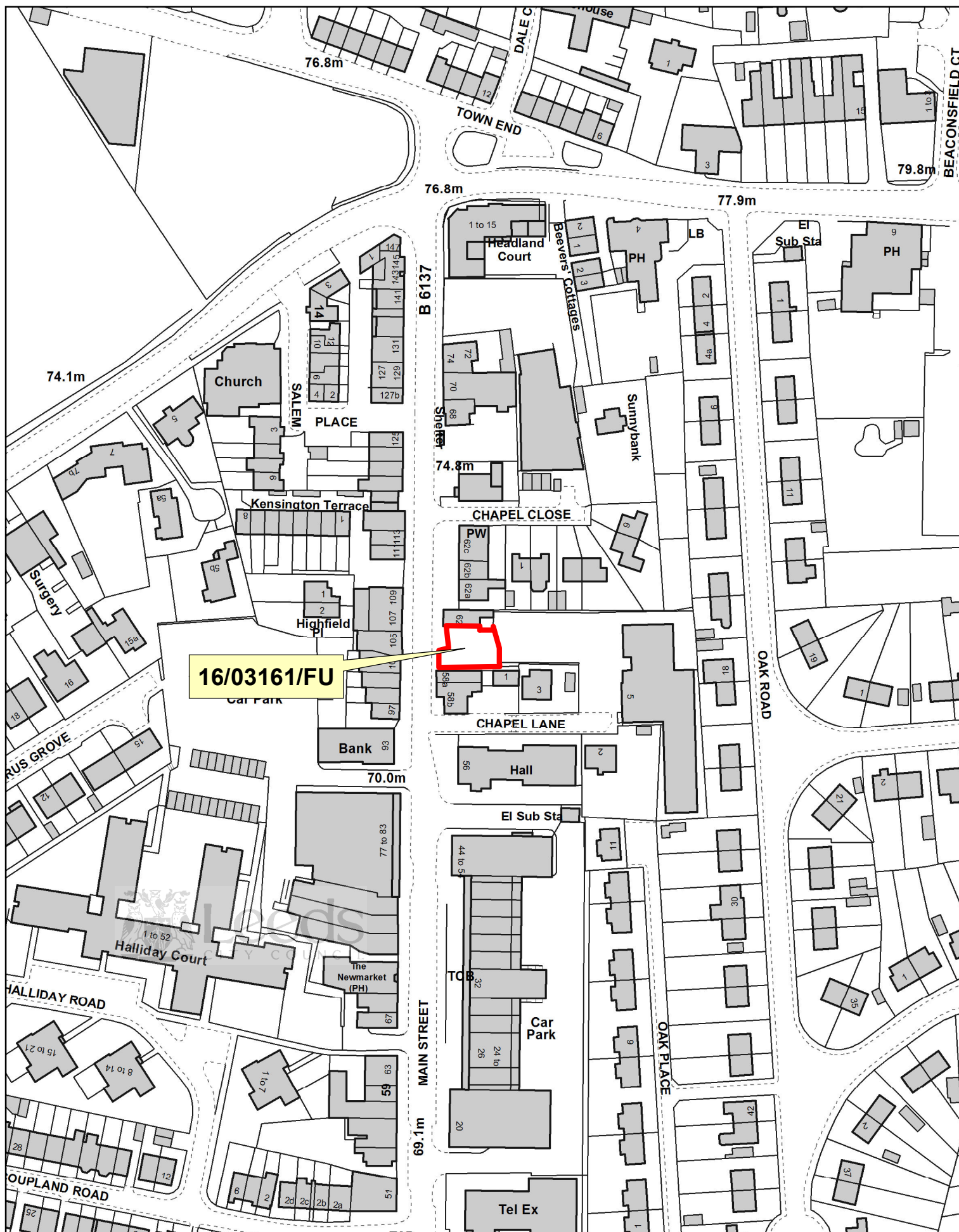
- 11.1 The proposed classroom building will result in the consolidation of accommodation and support the educational facilities at this established dance college. By virtue of the single storey nature of the building, its position back from the Main Street frontage, sited behind an existing fence line and incorporating a brickwork finish to its public facing elevation, the building is not considered to be harmful to the visual amenity of the streetscene. Nevertheless, given its temporary appearance, support for the building is only considered appropriate for a temporary period. The proposal is not considered to significantly exacerbate residential amenity concerns and the highway related concerns raised by nearby residents to the extent that it would justify withholding permission. Accordingly, this application is recommended for approval.

Background Papers:

Application and history files.

Certificate of ownership: Signed on behalf of the applicant.





NORTH AND EAST PLANS PANEL

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