



Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 20th October 2016

Subject: APPLICATION 16/03678/FU – Retrospective application for change of use of former storage unit to a martial arts academy at 14 Meynell Avenue, Rothwell, Leeds, LS26 0NY

APPLICANT

Mr Ian Kelly of Chuldow
Martial Arts

DATE VALID

10th June 2016

TARGET DATE

25rd October 2016

Electoral Wards Affected:

Rothwell

Yes

Ward Members consulted
(Referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: GRANT PERMISSION subject to the following conditions:

1. Three year time limit
2. Development completed in accordance with approved plans
3. Restrictions on hours of use
4. Restriction of use within D2 use class
5. Restriction on class numbers
6. Details of cycle stand to be submitted for approval

1.0 INTRODUCTION

- 1.1 This application is brought to Panel at the request of Ward Councillor Golton, on the grounds of the perceived threat posed to highway safety from an increase in traffic congestion on Meynell Avenue as a result of the change of use.

2.0 PROPOSAL

- 2.1 The application is for change of use of former storage unit (B8 use) to martial arts academy (Use Class D2) which has been used as such since 02/06/2015.
- 2.2 The change of use has not altered the building either externally or internally, nor resulted in the addition or removal of floor space.
- 2.3 The building currently affords 70m² of floorspace.
- 2.4 The use employees 5 staff and classes are limited to 15 students per class.
- 2.5 Class timetable is as follows:
- 2.6 Tuesday: Kickboxing 8-13 years - 17:00 to 18:00; Karate 14+ and high grade - 18:15 to 19:15 and Kickboxing 14+ - 19:30 to 20:30
- Wednesday: Karate 4-6 years - 17:00 to 17:45; Karate 7-13 years - 18:00 to 19:00 and Karate 14+ and high grade - 19:15 to 20:15
- Thursday: Karate 4-6 years - 17:00 to 17:45 and Karate 7-13 years - 18:00 to 19:00
- Saturday: Karate 4-6 years - 09:15 to 10:00; Karate 7-13 years - 10:15 - 11:15 and Kickboxing 10+ - 11:30 to 12:30
- 2.7 1 staff parking space is provided and a cycle stand is shown to be located as a wall mounted unit to the right of the entrance door.
- 2.8 The site is accessed off Meynell Avenue between properties 16 and 12.
- 2.9 Refuse from the property is minimal and disposed of through the business owners' residential collections.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site comprises a single storey brick built unit with pitched roof and roller shutter doors. The building has been extended by a small flat roof single storey addition to the front which has a door and two windows.
- 3.2 The unit is located to the rear of properties on Meynell Avenue, directly behind number 16 a detached two storey building which has a commercial use at ground floor (podiatry clinic). Vehicular and pedestrian access is provided off Meynell Avenue, between residential properties 16 and 12. Adjacent to the application site on the south side is a row of three flat roofed domestic garages, beyond which is number 5 Ingram Road, a detached property which is at a slightly lower level with rear garden onto the common boundary.
- 3.3 Towards the north, adjacent to the application unit, is a listed church (Holy Trinity) and cemetery. In a westerly direction towards the rear of the application site is the White Swan Public House (Salutes). On the south side of Meynell Avenue are a row of terraced properties each having off-site parking provision to the rear which is accessed off the Back of Meynell Avenue.
- 3.4 The area is a mixture of commercial and residential with the application site located within the designated Rothwell Conservation Area in an edge-of-centre-location, just

beyond the northern boundary of the defined Town Centre which is proposed to be extended to incorporate the restaurant (Salutes) in the emerging Site Allocations Plan.

4.0 RELEVANT PLANNING HISTORY:

4.1 11/01562/FU: 14 Meynell Avenue, Rothwell, Leeds, LS26 0NY - Change of use from workshop to vehicle repair and MOT testing centre – Refused: 23-JUN-11 on the following grounds:

- 1. The proposed use would generate additional vehicular movements along this substandard access and would generate more parking than can be accommodated on site. This would lead to additional on street parking on Meynell Avenue and vehicles potentially reversing out onto Meynell Avenue. This is considered detrimental to highway and pedestrian safety, and is thereby contrary to guidance contained in Planning Policy Guidance 13-Transport and Unitary Development Plan Policy T2.*
- 2. The proposed use would generate a level of activity, noise and general disturbance that would be detrimental to the general amenity of nearby residential occupants. As such, the proposal would be contrary to Unitary Development Plan Policy GP5.*

Dismissed on appeal on 19/12/2011

4.2 22/213/03/FU: 14 Meynell Avenue Rothwell - Change of use from engineering workshop to veterinary surgery Refused: 24-JUL-03 on the following grounds:

- 1. The proposed development does not incorporate parking spaces to cater for the needs of vehicles associated with the development. This is likely to lead to an increase in the level of on-street parking to the detriment of the free and safe flow of traffic to the existing highway system, and would be contrary to guidance contained within PPG 13 (Transport) and UDP Policy T2.*
- 2. The proposed use would by reason of movement of pedestrians and vehicles into and out of the site and the noise and general disturbance associated therewith together with increased demands for parking, be detrimental to the general amenity of nearby residential occupants, contrary to Unitary Development Plan GP5.*

4.3 22/21/93/RE: Rear of 16 Meynell Avenue Rothwell - Use of premises for offices and storage - Approved: 16-APR-93

4.4 H22/128/89: Rear of 16 Meynell Avenue Rothwell - Change of use of joiner's workshop to offices and ancillary storage – Approved: 17-JUL-89

4.5 H22/239/88: Rear of 16 Meynell Avenue Rothwell - Change of use, of vacant building to workshop and office - Refused: 28-NOV-88 on the following grounds:

- 1. Having regard to the proximity of the building to a number of dwellings it is considered that the proposed change of use would be detrimental to the amenities and quiet enjoyment of the nearby properties by their owners. It is considered that there is insufficient land within the curtilage of the dwelling to enable the site to be used as a car repair workshop. The proposed access to the site is inadequate for the intended use.*

5.0 HISTORY OF NEGOTIATIONS

- 5.1 In response to highways concerns and following live observations of the parking within the yard of the property, and taking into account local resident comments, the applicant has abandoned plans to create four customer parking spaces. The main reason for this is to reduce the amount of manoeuvring of vehicles in this area when the parking is at capacity and improve the safety of students, parents and residents.

6.0 PUBLIC/LOCAL RESPONSES

- 6.1 The application was advertised by site notice posted 08/07/2016.
- 6.2 Councillor Golton objects to the development on the grounds of perceived threat to highways safety caused by parking congestion on Meynell Avenue.
- 6.3 Two letters of objection have been received from residents at 5 and 13 Meynell Avenue raising the following concerns:
- Noise and traffic disruption caused at the beginning/end of classes by potentially 30 cars being on Meynell Avenue;
 - Poor visibility from the access as there is usually cars parked on both sides of the road on an evening and weekend;
 - Cars regularly blocking access to the other garages despite the owner putting up a sign;
 - Cars having to reverse out of the access due to lack of space in yard which is exceptionally dangerous and very tight resulting in a lot of traffic and dangerous manoeuvring;
 - Emergency vehicles unable access the premises;
 - Yard is designed for occasional use for accessing some lock-up garages and a cleaning company storage unit, not for the amount of traffic that is caused by a busy karate club, which is in use the majority of weekday evenings and all Saturday morning;
 - Residents parking only zone, would help with the parking issues however it would not solve the traffic issues as there would still be lots of vehicles trying to get in to the yard or dropping off/picking up;
 - The club is not providing a service to the community. There are many martial Arts Clubs in Rothwell and the surrounding area as well as other sports/health facilities;
 - Cars damaged whilst parked on street;
 - Customers parking in disabled bay.
- 6.4 Two letters of support have also been received from residents at 16 Meynell Avenue (flat over the commercial premises) and 31 Castle Lodge Way in Rothwell making the following comments:
- Customers now park elsewhere therefore there seems to be no big problems like there was.
 - Problems in the street are caused by people frequenting Morrison's supermarket, the church, and salutes restaurant.
 - The martial arts club is good for children in the community to learn about self-defence.
 - The Club provides a very important service for local children - teaching them respect and self-defence.

- Not allowing the continued use of this property for these purposes will directly impact the children who use the club.
- The club has made great steps to ask members to not park on Meynell Avenue and be respectful of the neighbours so the impact on traffic/parking is minimal.

7.0 CONSULTATION RESPONSES:

7.1 Highways: No objections raised for reasons discussed in the Highways section of the report.

8.0 PLANNING POLICIES:

Development Plan

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan for Leeds is made up of the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

The site is unallocated in the Development Plan.

8.2 Relevant Policies from the Core Strategy are:
 SP1 – Location of development in main urban areas on previously developed land.
 T1 & T2 – Highways and accessibility
 P1 - Town and Local Centre Designations
 P8 - Sequential and Impact Assessments for Main Town Centre Uses
 P9 - Community Facilities and Other Services
 EC3 - Safeguarding existing employment land and industrial areas

8.3 Relevant Saved Policies from the UDP are:
 GP5 – General planning considerations
 T7A – Secure cycle parking.
 T7B – Secure motorcycle parking.
 BD5 – General amenity issues.

Supplementary Planning Documents

8.4 Parking SPD

National Planning Policy

8.5 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, 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.

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.

9.0 MAIN ISSUES:

9.1 The main issues for discussion and consideration are thus:

- Sustainability/Principle of development
- Impact on amenity
- Highways
- Representations

10.0 APPRAISAL

Sustainability/Principle of Development

- 10.1 Planning records indicate that the last known authorised use was a commercial use (office and storage). The site is located on the outer edge of Rothwell Town Centre within a mixed area comprising of both commercial and residential uses. As such a number of planning policies are relevant to the proposal to change the use of the unit at the site to a Karate club falling in the D2 use class.
- 10.2 The first matter relates to the loss of an existing employment use at the site. The Council's Core Strategy looks to protect existing employment sites in order to meet demand and growth in employment uses. That said, the total site area at 70m² is small for a general employment use, the site is not identified in the Site Allocations Plan as part of a future employment supply and there are available employment sites in the wider area which would help offset any loss from the proposal. As such a planning refusal on the grounds of a loss of an employment site would be difficult to justify.
- 10.3 The second matter relates to the nature of the proposed use. The Council's Core Strategy promotes a 'centre's first' approach for town centre uses which the Karate club, as a leisure use, is considered to be. Policy P8 of the Core Strategy requires sequential assessments to be provided for such uses on floorspace in excess of 200m². In this instance a sequential assessment is not required as the floorspace is well below this threshold and as such it is considered unlikely to pose a threat to viability and vitality of nearby Town Centre's.
- 10.4 As such it is considered that the principle of the change of use is acceptable and would be in-keeping with the wider aims of Leeds Core Strategy policies EC3, P1 and P8 and the National Planning Policy Framework. The proposal is therefore supported in principle subject to satisfying other detailed planning considerations.

Impact on amenity

- 10.5 The application site is located in relatively close proximity to surrounding residential properties. That said, the size of the building limits the amount of people that can attend each class. The classes run for short periods of time between the hours of 17.00 and 20.30 during the week and 9.15 and 12.30 on Saturdays. These hours of use are considered to pose little threat to neighbouring amenity and are unlikely to be no more harmful than the current commercial use in terms of noise and disturbance operating over longer hours from the site.
- 10.6 As such it is considered that subject to conditions controlling the number of students to not exceed fifteen at any one time, staffing levels not exceeding five and restriction of hours to current hours of operation it is considered unlikely that the use would result in significant harm to neighbouring amenity.

Highways

- 10.7 During the determination of the application and in response to highways officer concerns additional information was sought and submitted in support of the scheme. This information included details of class sizes and times, on-site parking provision and number of staff. The applicant advised that the Karate Club had been in operation since 02/06/2015 with classes run Monday to Thursday between the hours of 17.00 and 22.30 and 09.15 to 12.15 on Saturday with a 15 minute interval between each class. There are five staff members consisting of the two business owners, two volunteer instructors and junior instructor. The business owners travel to work together in one car as due the volunteer instructors and park their cars off - site, the junior instructor is under 16 and is local to Rothwell and either walks to the venue, or is dropped off by a family member.
- 10.8 Through the highways consultation process and in response to concerns raised by residents Traffic Management were also consulted. They advised that a parking accumulation and duration survey had been carried out on (Wed 16th March 2016) between the hours of 06.30 and 19.30 on Meynell Avenue. The survey indicated that there was no significant problem with people coming into the street and parking for long durations of the day. Vehicles were found to park for short periods, during the time of the day when residents had vacated the street. Meynell Avenue was assessed to be able to safely accommodate 34 parked cars and observations carried out over five days found a maximum of 17 cars parked on the street during these times.
- 10.9 Consequently, after taking all of the above into consideration the Council's Development Management Highways team has stated that subject to the imposition of the above conditions, they have no objections to the development. As such, a planning refusal on highways grounds would be difficult to justify. The proposal is therefore considered to be in-keeping to the wider aims of Core Strategy policies T2, saved UDP policy GP5 and the guidance contained within the Street Design Guide SPD, Parking SPD and NPPF in these respects.

Representations

- 10.10 Concerns raised in relation to traffic noise, congestion, access and poor manoeuvrability have been found to be acceptable, for the reasons discussed in the highways and amenity section of the report above.

11.0 CONCLUSION

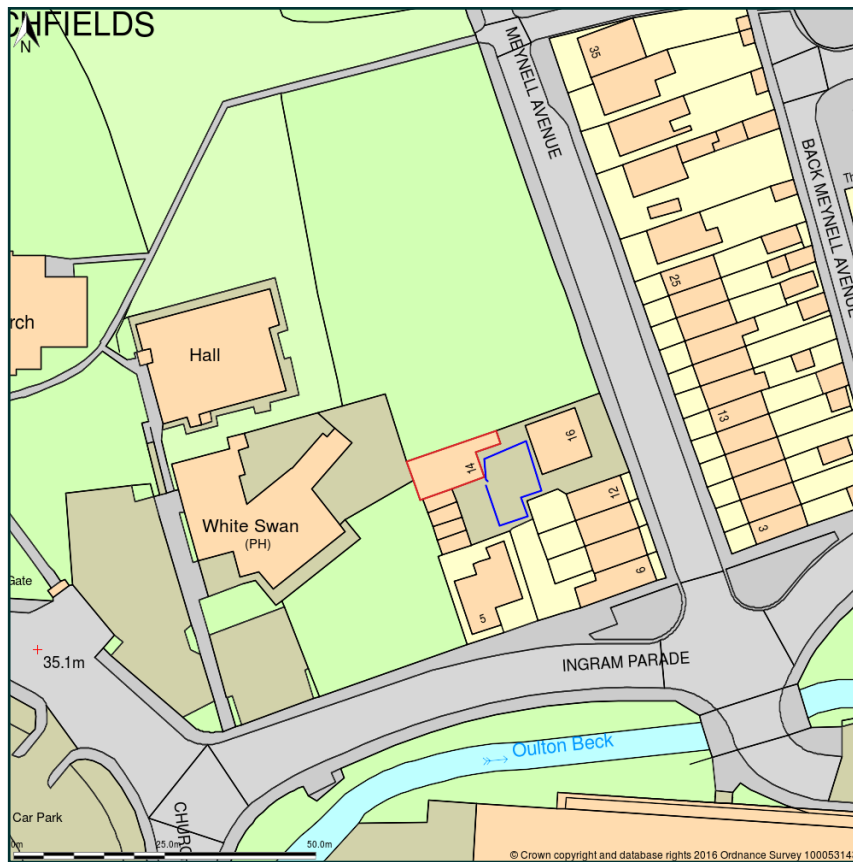
- 11.1 Overall, the proposed development is considered to be acceptable in principle for the reasons discussed above. Subject to conditions restricting its use to a karate Club, the time of the classes and the number of students attending each class it is also considered unlikely to result in an adverse impact on amenity from noise disturbance and/or highways related issues e.g. parking within the highway given the parking capacity shown to be available within the Meynell Avenue. As such the proposal is considered to be compliant with planning policy and guidance and therefore recommended for approval

Background Papers

Application File: 16/03678/FU

Certificate of ownership: Notice served on Christopher Higgins

14, Meynell Avenue, Rothwell, Leeds, LS26 0NY



Site Plan shows area bounded by: 434325.22, 428217.94 434466.65, 428359.37 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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