



**Report of the Chief Planning Officer**

**PLANS PANEL EAST**

Date: 17<sup>th</sup> February 2011

**Subject: APPLICATION 10/04524/FU CHANGE OF USE OF FORMER PRESBYTERY TO CONSTITUENCY OFFICE AT THE FORMER PRESBYTERY, OUR LADY OF GOOD COUNSEL RC CHURCH, ROSGILL DRIVE, SEACROFT, LS14 6QY**

**APPLICANT**

G Mudie MP

**DATE VALID**

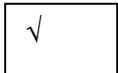
5<sup>th</sup> October 2010

**TARGET DATE**

30<sup>th</sup> November 2010

**Electoral Wards Affected:**

**Killingbeck & Seacroft**



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 planning conditions:

1. Temporary permission (until July 2015 (current lifetime of this parliament))
2. Personal Permission (for use for the benefit of G Mudie MP)
3. Restrict permitted change from A2 to A1 use class
4. Opening hours restriction (08.00-21.00 Mon-Fri & 08.00-18.00 Sat)

Details of conditions to be deferred and delegated to Officers.

**Reasons for approval:** The application is considered to comply with policies GP5, R2, T2 and T24 of the UDP Review, as well as guidance contained within PPS1 and having regard to all other material considerations, as such the application is recommended for approval.

**1.0 INTRODUCTION:**

- 1.1 This application is presented to Plans Panel (East) as it is considered to be locally sensitive as it involves the constituency office of the local MP.

## **2.0 PROPOSAL:**

- 2.1 The application proposal seeks to convert the Presbytery at Our Lady of Good Counsel RC Church to a constituency office for the local MP. Details of how the MP's former constituency office operated accompanies the application submission.
- 2.3 The proposal will involve no external or internal structural alterations to the Presbytery building. The proposal will accommodate two meeting rooms, a kitchen/canteen, two stores and a lobby at ground floor and four offices, a store, a bathroom and shower room at first floor. The constituency office shall employ 3 staff and accommodate occasional student placements. The property will utilise the existing access arrangements and has an area of hardstanding to the front which can accommodate approximately 4 car parking spaces.
- 2.4 The applicant is seeking to change the use of the premises for a temporary period to cover the life of this current Parliament, i.e. until 2015.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site contains a Presbytery building which is accessed off Rosgill Drive and served by 4 car parking spaces. The property has lawn gardens to the front and rear and stands within the grounds of the adjacent church. A short length of hedge loosely defines the extent of the Presbytery site to the front. The entire church site is enclosed by a 1.8m high green painted mesh fencing, with gated entrances. To the front of the Presbytery (along its Rosgill Drive frontage) stand 3m high conifers which screen the property from the street view. To the rear (along its North Parkway frontage) stand a cluster of mature trees.
- 3.2 The property is two storey in height with a small single storey front projection and flat roofed side extension. The property is constructed of pale brick and has a concrete tiled pitched roof. The attached garage building has been bricked up.
- 3.3 There is a bus stop adjacent to the site on Kentmere Avenue which offers services to Leeds and Pudsey (Bus Service No. 16 & 16a). The surrounding area is residential in character and contains predominantly two storey semi-detached dwellings constructed of red brick and render.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 None.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Prior to the submission of this planning application informal discussions took place between the applicant's representative and an LCC planning officer. It was advised that the application site lies outside a defined centre; that the applicant would be required to undertake an analysis of other available, more sequentially preferable sites and provide reasoning as to why these sites were discounted. It was accepted that the area of search could be confined to within the constituency area and that any forthcoming planning application would be determined at Plans Panel.
- 5.2 During the course of the application process, the applicant advanced a case that the constituency office did not fall within the B1(a) office use class. The constituency office provided a public service, where no prior appointment is necessary, and therefore the use more comfortably aligns with an A2 use class (Financial & Professional Services). In support of this stance, additional information was presented outlining how the constituency office operates and what activities are undertaken. Moreover, details were provided about the MP's accommodation

requirements, scope of search and the circumstances as to how the Presbytery building became available.

5.3 To summarise, the MP maintained his former constituency office at 242 Brooklands Avenue, Seacroft for nearly 20 years (now vacated). The constituency office dealt with a wide and diverse range of issues and problems that troubled constituents. Whilst some issues were straightforward, more often the problems were sensitive and required liaison and negotiation with a variety of public agencies. The accommodation at Brooklands Avenue constituency office had become cramped for the MP's needs and somewhat dilapidated. There was a lack of privacy for dealing with constituent's issues and for these reasons more appropriate accommodation was sought.

5.4 During the property search (over a 12 mth period) the MP encountered difficulties finding accommodation that was suitable in terms of rent and adaptation costs (to accord with Parliamentary allowance) or convenience and accessibility for constituents (the MP wished to be reasonably close to the previous premises).

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

6.1 2 site notice displays posted dated 29<sup>th</sup> October 2010 requesting comments on the planning application be submitted prior to 19<sup>th</sup> November 2010.

6.2 1 petition was received which contained 147 signatures, objecting on the following grounds:

- Loss of an affordable 4 bedroom house.
- Alternative office accommodation is available in Seacroft centre (e.g. Deacon House).

6.3 5 further letters from an individual objector (two of the letters signed as acting on behalf of the parishioners in response to additional applicant information):

- Building is remote from public services (nearest being approx. 500yds at centre).
- Proposal does not include boundary fences to protect church from vandals during office hours- what safety measures are proposed.
- Building does not provide disabled toilets.
- Suggest site office on vacant land to the east of the church.
- Query whether the property management (of Diocese) have authority in civil or canon law to consent to the proposed development- request that planning application be deferred until authority is confirmed.

## **7.0 CONSULTATIONS RESPONSES:**

### **Statutory:**

7.1 None.

### **Non-statutory:**

7.2 Environmental Protection Team comments dated 22<sup>nd</sup> October 2010. No comments to make.

7.3 Highways comments dated 10<sup>th</sup> November 2010. No objections.

7.4 Transport Policy comments dated 4<sup>th</sup> November 2010. No objections. No requirement to contribute to public transport enhancements and proposal will not impact on adjacent protected public transport corridor.

## 8.0 PLANNING POLICIES:

8.1 The application site is not specifically allocated within the City Council's Unitary Development Plan (Review, 2006) although this area is washed over by an Area based Initiative policy. Therefore, the following policies are considered to be of relevance:

Policy GP5 requires development proposals to resolve detailed planning considerations including access and drainage and to avoid loss of amenity and maximise highway safety.

Policy R2 identifies locations for area based initiatives to address area, neighbourhood and community issues.

Policy T2 refers to development that should be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking.

Policy T24 refers to car parking provision guidelines.

8.2 Planning Policy Statement 1: Delivering Sustainable Development (2005)

## 9.0 MAIN ISSUES

Principle of development

Other matters

## 10.0 APPRAISAL

### Principle of development:

10.1 The advice contained in national planning policy guidance (PPS4) identifies office uses as a main town centre use and that a sequential preference is applied to locating such uses within existing centres. It is however recognised that a MP's constituency office does not carry out a pure office function and will facilitate public service and community functions as well. Furthermore, there is a reasonable expectation that an MP's constituency office is to be located within the MP's own constituency.

10.2 The nature of a constituency office means that it will be open and available to the public, who will be able to call-in at the premises without prior appointment. The constituency office is to be staffed between 09.00-18.00 (Mon-Sat). Typically, visitors to a constituency office would make specific trips to seek the advice or assistance of their MP, or their staff, and their visit is not incidental to some other purpose (e.g. shopping) where constituents bring urgent matters which cannot wait for the scheduled MP surgery times (Mr G Mudie holds 9 drop in surgeries in various locations every month (except August)).

10.3 Turning to the Use Classes Order, a constituency office is not specifically defined but does, in terms of the activities, services and advice provided, reflect more closely the characteristics of an A2 use class (Financial and Professional Services) rather than a pure B1(a) (Business- office) use. An A2 use provides '*(a) financial services, or (b) professional services (other than health or medical services), or (c) any other services (including use as a betting office)... where the services are provided principally to visiting members of the public*'. A B1(a) covers offices not classed within class A2.

10.4 It is considered that the proposed constituency office would provide a community based service, offering professional advice and assistance to visiting members of the public. In adopting such an interpretation of the proposed use, would preclude

the requirement for the proposal to be subjected to the sequential based assessment outlined within national government guidance (PPS4).

10.5 The application premises is presently unoccupied and lies within half a mile of the MP's former constituency office in Brooklands Avenue. As referred to in para. 5.4, the MP's search for suitable available constituency office space was unsuccessful until the Diocese became aware of the situation. The Diocese offered the vacant Presbytery, which was surplus to their requirements, on a short-term lease basis. The MP's premises search encountered difficulties as he was unable to commit to a lease that went beyond the life of the current Parliament (i.e. until 2015) which served only to further restrict the search options. In light of this short-term arrangement, the MP is accepting of a time limited planning permission as well as a personal permission at the application site.

10.6 Concern has been expressed by objectors that the proposal would result in the loss of a family home (Presbytery) at this location. However, given the circumstances outlined above, it is considered that as the change of use would result in no structural changes to the building its temporary constituency office use would not prejudice the future residential use of the property. Furthermore, the Diocese have advised that the property would not be offered on the open market for either sale or rent.

Other matters:

10.7 This proposed change of use has attracted a petition lodging objections against the submitted proposal on a variety of matters.

10.8 An objection has been received commenting that the proposal does not include boundary fences to sub-divide the proposed constituency office from the church, so to prevent vandals entering the site during office hours. It is understood that vandalism has been an issue at the Church site although currently there is no on-site presence owing the Presbytery building being vacant. It is considered that whilst security of the site would be reliant on its management, the increased activity during office hours within the site would assist in the natural policing of the premises. It is to be noted that the proposal would not impact on the ability to close the site's security gates during the hours when the constituency office is closed.

10.9 It has been queried whether the property management of the Diocese do in fact have the authority, whether in civil or canon law, to consent to the proposed change of use of the Presbytery and a request has been made that determination of the planning application be deferred until the authority is confirmed. Ultimately this issue concerns ownership rights and responsibilities which planning legislation is unable to resolve. The determination of this planning application would not override any decision made during any dispute over ownership rights. In addition, a query has also been raised about the lack of disabled toilet facilities, but again, such requirements are best addressed under the specific relevant legislation.

10.10 One further comment suggested that the constituency office be positioned on the vacant land located to the east of the church. Irrespective of the merits of such a proposal, it is the submitted scheme which we have been requested to assess.

10.11 The proposed constituency use is not anticipated to present adverse residential amenity concerns. The premises stands within large grounds of a church and positioned well away from neighbouring properties. Nevertheless, with visitors coming and going at the constituency office it is considered reasonable to impose opening time restrictions so that these activities do not occur at unsocial hours.

- 10.12 From a highways perspective, this proposal is considered acceptable as the scheme will serve the local community and the site provides ample available off-street parking spaces. Clearly, it is important for the MP to be located within his constituency and given that the site lies approximately half a mile from the local centre with bus services directly outside the site should ensure that visitors have convenient access to the MP.
- 10.13 The application proposal falls below the threshold stipulated within the City Council's Public Transport SPD and therefore no public transport related contributions are required. Furthermore, as the proposal will involve no alterations to the point of access or to the Presbytery building it is not considered to impact on the adjacent protected public transport corridor (which runs along North Parkway).

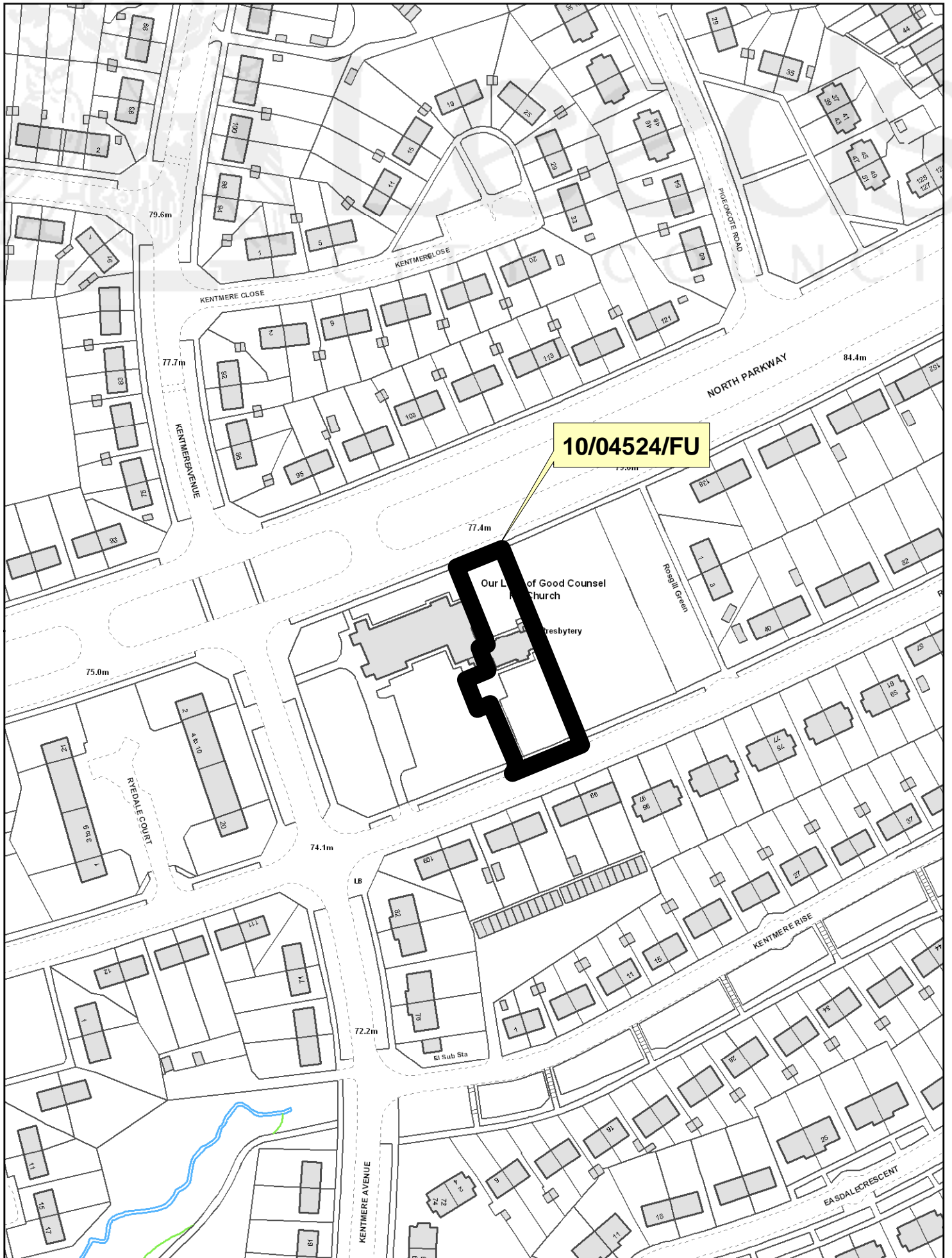
## **11.0 CONCLUSION**

- 11.1 It is considered that the proposed change of use of the Presbytery to an MP's constituency office will for a temporary period re-instate access to the advice and services provided by the local MP and his staff for the benefit of the MP's constituents. Due to the nature of the proposed use, the constituency office is not considered to conflict with centre based planning policy strategies or compromise on the availability of family housing locally. The proposal is not considered to adversely impact on the amenity of nearby residents and would not be detrimental to highway safety. Accordingly, this planning application is recommended for approval.

### **Background Papers:**

Application file: 10/04524/FU

Certificate of Ownership: The applicant served notice to the land owners (The Diocese of Leeds Trustee) on 1<sup>st</sup> October 2010.



# EAST PLANS PANEL