



Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 17th August 2017

Subject: 17/00017/FU – Change of use and alterations of financial and professional services (A2) to form non-residential institution (D1) at 31 Avenue Crescent, Chapeltown, Leeds, LS8 4HD

APPLICANT

Mr B Paschali

DATE VALID

4th January 2017

TARGET DATE

22nd August 2017

Electoral Wards Affected:

Chapel Allerton

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 specified conditions:

- 1) Standard Time Limit
- 2) Plans to be approved
- 3) Hours of opening
- 4) Restriction on pupil numbers
- 5) Restrict use of premises to the use of the Greek Orthodox School
- 6) Submission and installation of sound insulation scheme

1.0 INTRODUCTION

- 1.1 The application is brought to Plans Panel for determination at the request of Councillor Dowson, Councillor Rafique and Councillor Taylor. The concerns raised relate to potential parking issues as there is no provision for parking for people who are visiting the building with regards to picking up and dropping off students.

2.0 PROPOSAL

- 2.1 The application proposes to change of use and alterations from financial and professional services (A2) to form non-residential institution (D1). The property is

proposed to be used by the Greek Orthodox Church as a Greek School. The school offers education on the Greek language and culture as well as the Greek Orthodox Christian religion. The only external alteration is to the rear elevation (ground floor only) which will be the conversion of a window to a door and a door to a window. Otherwise, the overall external appearance will not be altered by this proposal and will retain the appearance of a dwelling.

3.0 SITE AND SURROUNDINGS

3.1 The application relates to an existing end terraced property which is located on the junction of Avenue Crescent and Hilton Place. To the north of the site are garages and to the south of the site the property faces the garages of properties that front Harehills Avenue. The terrace of properties continues to the west and a row of terraced properties exist on the opposite side of Hilton Place facing the application site. The site is also located in close proximity to the existing Greek Orthodox Church (to which this proposal relates), which is to the south west on the opposite side of Avenue Crescent.

3.2 The existing property is constructed from brick with a two storey white render bay windows and the roof type is gabled with rooms in the roofspace. The property has a single storey side extension and a lean-to at the rear.

3.3 At present the classes are carried out in portable buildings which are adjacent to the grade II listed building (Greek Orthodox Church). There is a Compliance case currently ongoing which relates to the portable buildings. The temporary consent expired on 3rd June 2017. This proposal seeks to replace the school function of those portable buildings and so ensure their removal.

4.0 RELEVANT PLANNING HISTORY

4.1 34/228/92/FU Change of use of dwelling to family service unit - Approved 5th January 1993

4.2 H34/235/87 Alterations and extension, to form garage to side of terrace house Approved 16th September 1987

4.3 The portable buildings at the church building itself were originally granted temporary permission in 2009 ref 09/03560/FU. Then permission was granted for further extensions in 2011 ref 11/00287/FU and 2014 ref 14/01054/FU. This latest permission is the permission that expired on 3rd June 2017

5.0 HISTORY OF NEGOTIATIONS

5.1 No pre-application advice was sought in relation to the proposal.

5.2 Since the submission of the application further information was received and subsequently a public meeting held, with ward members, local residents and the applicants for the proposal.

6.0 PUBLIC/LOCAL RESPONSE

6.1 Site Notice was posted on the 27th January 2017.

6.2 Objections have been received from 4 local residents and Ward Members Cllr Dowson, Cllr Rafique and Cllr Taylor.

6.3 Ward members objections are:

Concerns over potential parking issues as there is no provision for parking for people who are visiting the building with regards to picking up and dropping off. However the objection is caveated: "If planning can re-look at how pickups and drop offs can be arranged with minimal disturbance to the local residents, no objections in principle to the use of this building as a place of cultural education so long as parking issues are resolved to the satisfaction of local residents."

6.3 The objections by local residents raised relate to the following:

- Negative effect on the residential amenity of the objectors home and neighbour
- Increased traffic and parking in the area
- Bring extra noise
- Looking straight into living room window when people are entering and leaving the property
- Removal of a property from residential use in a residential area, affecting the character of the area
- There are numerous community buildings in this area and the level of noise and disruption day and night is already unacceptable.

7.0 CONSULTEE RESPONSES

7.1 Highways – The proposal will relocate an existing school from the church to the other side of the road, and there will be no increase in either staff or pupils and there would be no additional activities at the church as a result of the relocation of the school. Therefore no objection

7.2 Flood Risk Management – No objections the existing drainage will be re-used and there are no recorded flooding incidents in this area of Chapelton.

8.0 PLANNING POLICY

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Leeds 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 relevant:

- P9 Seeks to encourage access local community facilities and services, such as education, training, places of workshop, health and community centres, which is important to the health and wellbeing of a neighbourhood.
- P10 Seeks to ensure that new development is well designed and respect its context.
- T2 Seeks to ensure that new development does not harm highway safety

The following saved UDP policies are also relevant:

GP5 Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

BD6 All alterations should respect the scale, form, detailing and materials of the original building.

Street Design Guide

Leeds Parking Supplementary Planning Document

National Planning Policy

- 8.5 The National Planning Policy Framework (2012) (NPPF) 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.
- 8.6 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.
- 8.7 The NPPF has as one of its overarching aims to ensure that the "purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF also that there is a presumption in favour of sustainable development unless material considerations indicate otherwise.

9.0 MAIN ISSUES

- 1) Principle of Development
- 2) Neighbour Amenity
- 3) Benefits to Setting of Listed Building
- 4) Loss of Privacy
- 5) Design and Character
- 6) Highway Safety
- 7) Representations

10.0 APPRAISAL

Principle of Development

- 10.1 The last known use of the property is a non-residential use. The planning permission granted for that use limited the permission to the applicants at that time and also required that once the use of the premises as a Family Services Unit ceased that, unless a further application for Planning Permission had been granted, the use of the unit would revert back to a dwelling house. It is not known how long the premises has not been used as a Family Services Unit, however there appears to be no contradictory evidence that the use has reverted back to a single residential unit in the interim. To this end, the submission of this application for planning permission is, as it were, a fulfilment of the requirement of that condition imposed on approval 34/228/92FU and so will not result in the loss of an existing

residential unit. Notwithstanding this, it is not considered to be materially detrimental to the character of the area if the use of the application property were found to be a single dwelling house. The surrounding land use is residential with small pockets of non-residential uses, such as the Greek Orthodox Church nearby, and as such the loss of a single dwelling to an alternative use would not be considered detrimental to this predominantly residential character. Neither would it be considered material in terms of the loss of a single family dwelling.

- 10.2 The existing non-residential use brings an acceptance that the comings and goings to and from the property are not necessarily those associated with the use of the property as a domestic dwelling.
- 10.3 Further, the proposal seeks to relocate the existing education classes that currently occur in portable buildings located at the rear of the listed church building to this property. The relationship is such that the activities currently undertaken within those portable buildings will 'move across the road' to the application site, thus the activities that are currently associated with the use of the portable buildings presently will take place within the same general area of the application and Avenue Crescent site in any event.
- 10.4 It is concluded therefore that the use of the property for as a school for the teaching of the Greek Orthodox Religion and Greek language and culture is acceptable in principle as the associated "dropping off and picking up" activities will occur in the same location on Avenue Crescent and the proposal will not result in the loss of a residential unit in the locality.

Neighbour Amenity

- 10.5 Core Strategy Policy P10 notes that developments should "[protect] ... residential and general amenity..." Saved UDP policy GP5 notes that developments should protect amenity and policy BD6 notes that "all alterations...should respect the scale, form, detailing and materials of the original building".
- 10.6 The proposed development will not significantly alter the appearance of the existing building and as such will retain character of the existing property. As mentioned above the rear elevation will be altered only slightly by changing an existing door to a window and by changing a window to a door. It will therefore not harm the overall character and appearance of the immediate street scene nor will it impact on the amenities of occupiers of the neighbouring properties.
- 10.7 The openings hours for the proposal are Monday to Friday 16:00 to 20:00 and 09:30 to 17:30 on Saturdays with no openings on Sundays and Bank holidays. If permission is granted it is recommended this is subject of a condition.
- 10.8 The school only operates throughout term time within the academic year. At present there are 55 children who attend the Greek School, and it is the church's intention not to increase this number of pupils who attend. Therefore in the interests of neighbours amenity a condition is recommended to restrict the number of children attending the application site to 55. In addition the new premises will be used solely in conjunction with the Greek Orthodox Church. A further condition is recommended to restrict the use to this particular organisation as an unrestricted D1 use, useable by any organisation might lead to the introduction of other less desirable amenity outcomes and given the concerns raised by objectors such a restriction which is agreed to by the applicants should go some way to alleviating their concerns.

- 10.9 The greatest potential impact is on the amenities of occupiers of the immediately adjoining property. Whilst there were no restrictive hours on the former use of the premises as a Family Services Unit, it is not unreasonable to consider that such a use would operate during more conventional office hours with perhaps only occasional or limited use outside of these hours. The applicants have a set timetable that they adhere to which will use the property up till 8:00 pm and use on a Saturday from 09:30 to 17:30. In order to protect the occupiers of the adjacent property at number 29 Avenue Crescent it is recommended that an acoustic report is conditioned to be submitted that will assess the likelihood for noise to be generated and make any necessary recommendations as to sound insulation measures that will be required prior to the use of the property for the use applied for.
- 10.10 This requirement is considered to be reasonable as the use of the premises as a Family Services Unit may have increased the likelihood of noise generation to a certain degree, but that use appeared to be more office type uses with rooms allocated for interviews and counselling type session. The introduction of up to 55 pupils within the building at any one time will offer a material change to the relationship between the application site and the neighbouring property at 29 Avenue Crescent. The internal layout shows that the front room on the second floor is the only one abutting the common boundary wall separating the two properties however, the staircase that gives access to the first and second floor lies adjacent to that common wall and it is expected that the layout at number 29 is a mirror of the layout at the application site. There is therefore potential for noise to be transmitted when the stairs are being used and these potential noise sources needs to be assessed by a qualified acoustic expert and mitigated as necessary.
- 10.11 The proposal will introduce the none-residential activity at a time of day when the neighbours of the adjoining property are more likely to be at home themselves, late afternoon/early evening (Mon-Friday) and all day Saturday till late afternoon. However it is considered that 8:00 pm in the evening and the times between 09:30-17:30 on a Saturday are not unreasonable times when additional activities in the locality might be expected to occur. The applicant is not seeking to use the property on Sunday's

Setting of the Listed Building

- 10.12 The existing classrooms are located within the curtilage of the existing church in portable buildings. By relocating the pupils to the application property the portable buildings will be removed from church site and therefore the overall setting of the grade II listed church and the immediate street scene will be significantly improved. It is considered that this is a significant planning benefit.

Loss of Privacy

- 10.13 Concerns have been specifically raised with regards to loss of privacy however no additional openings will face neighbouring properties. As mentioned above, the revised openings will be in the rear elevation and these will face existing garages and as such will not impact residential amenity in terms of overlooking. An objection was received specifically related to the activities of people on the Public Highway when dropping off or collecting pupils from the premises. It is considered that the generality of the expected levels of coming and goings to the property will be similar as that presently experienced by occupiers of neighbouring residential properties and not materially different.

Design and Character

- 10.14 The external appearance of the building will not be significantly altered and certainly not in any location that is clearly visible from a public vantage point. The essential character of the property will therefore be retained and by extension the existing character of the immediate area of being predominantly residential in character will remain unaltered. .

Highway Considerations

- 10.15 Core Strategy policy T2 and saved UDP policy GP5 note that development proposals must resolve detailed planning considerations and should seek to maximise highway safety.
- 10.16 Further information has been provided in response to questions raised by Highways officers. It is noted that the proposal will relocate an existing school from the church to the other side of Avenue Crescent, and there would be no increase in either staff or pupils and there would be no additional activities at the church as a result of the relocation of the school.
- 10.17 That the current proposal seeks to relocate the school activity to the opposite side of Avenue Crescent means that vehicles using this part of Avenue Crescent will still be at similar levels as presently and thus no material change in circumstances will occur overall. Arguably, there might be a small benefit in that the space currently occupied by the portable buildings will be able to accommodate a small number of vehicles on the church site which may offer some small respite in allowing longer term parking in association with activities in the main church building compared to that which is available presently and thus reduce on street car parking associated with the overall use of the Greek Orthodox Church.

Representations

- 10.18 It is considered that the material planning comments made by members of the public and those by Cllr Dowson, Cllr Rafique and Cllr Taylor have been addressed in the main body of the report.
- 10.19 Concerns were raised over the loss of a residential property. As set out in paragraph 10.1 above the most recent approval relates to a change of use to a Family Service Unit. The conversion work was completed under Building Regulations Ref 9-34/139/93/REG. Therefore it appears that the original use of a dwelling house has been already lost and as such this proposal will not result in the loss of another residential property in the location.
- 10.20 Objections were also raised with regards to the amount of community buildings within the area. Whilst there are a number of community uses within the local area, this proposal is not adding to this but seeks to relocate an existing use that is a small part of a larger community use to a more suitable building. Therefore little weight can be given to this argument.

CIL Liability

- 10.21 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 06th April 2015. The development does not however introduce any CIL liability in terms of new uses or floor space

and is therefore not CIL liable. This information is provided for Members information only however and it is not material to the decision on this application.

11.0 CONCLUSION

- 11.1 It is considered that the proposal complies with the relevant Core Strategy and saved UDP policies. In addition, the proposal benefits a designated Heritage Asset as it will result in the removal, from within the curtilage of a Grade II Listed Building, of portable buildings that presently detract from its setting. It is therefore concluded, taking all matters into account including the representations received, that planning permission should be granted subject to the conditions at the head of this report.

Background Papers:

Application files: 17/00017/FU

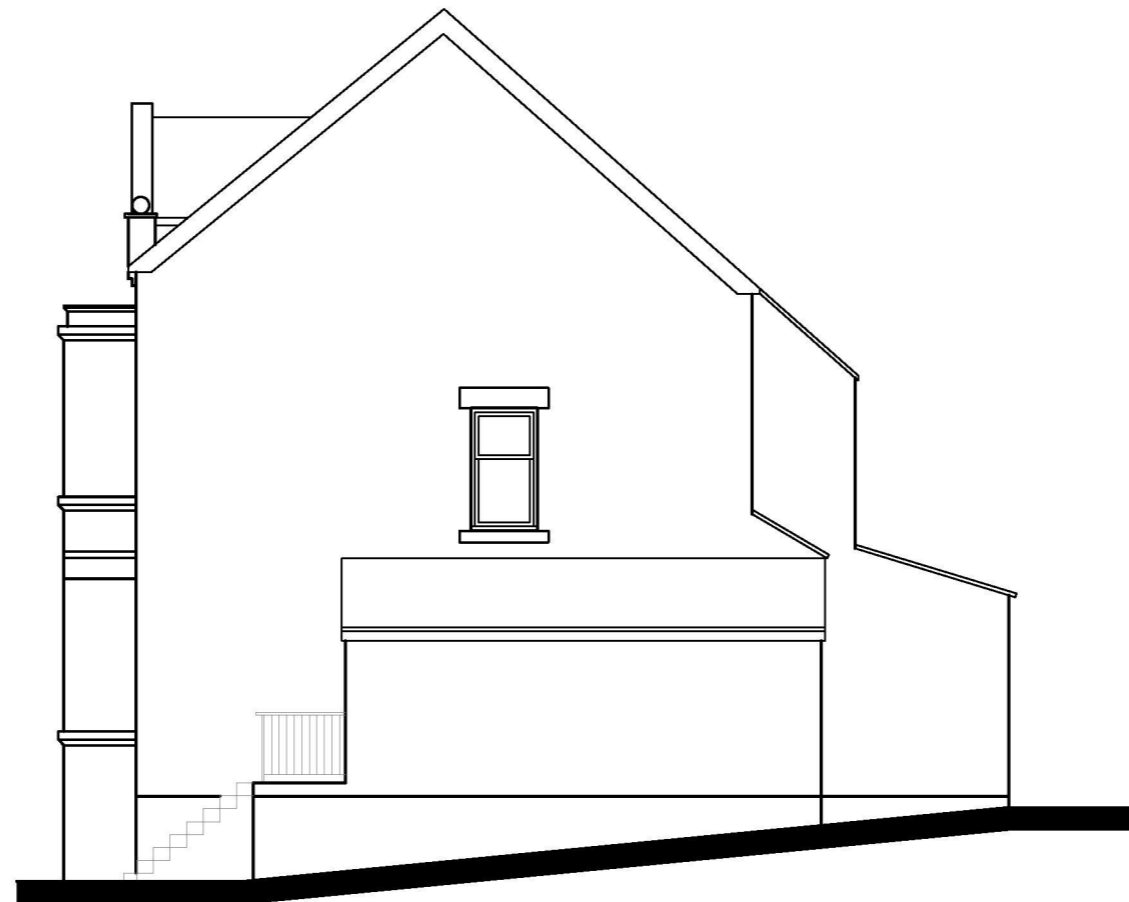
Certificate of ownership: Certificate A signed by agent on behalf of applicant (Mr B Paschali)



Front Elevation



Rear Elevation



Side Elevation

NOTES

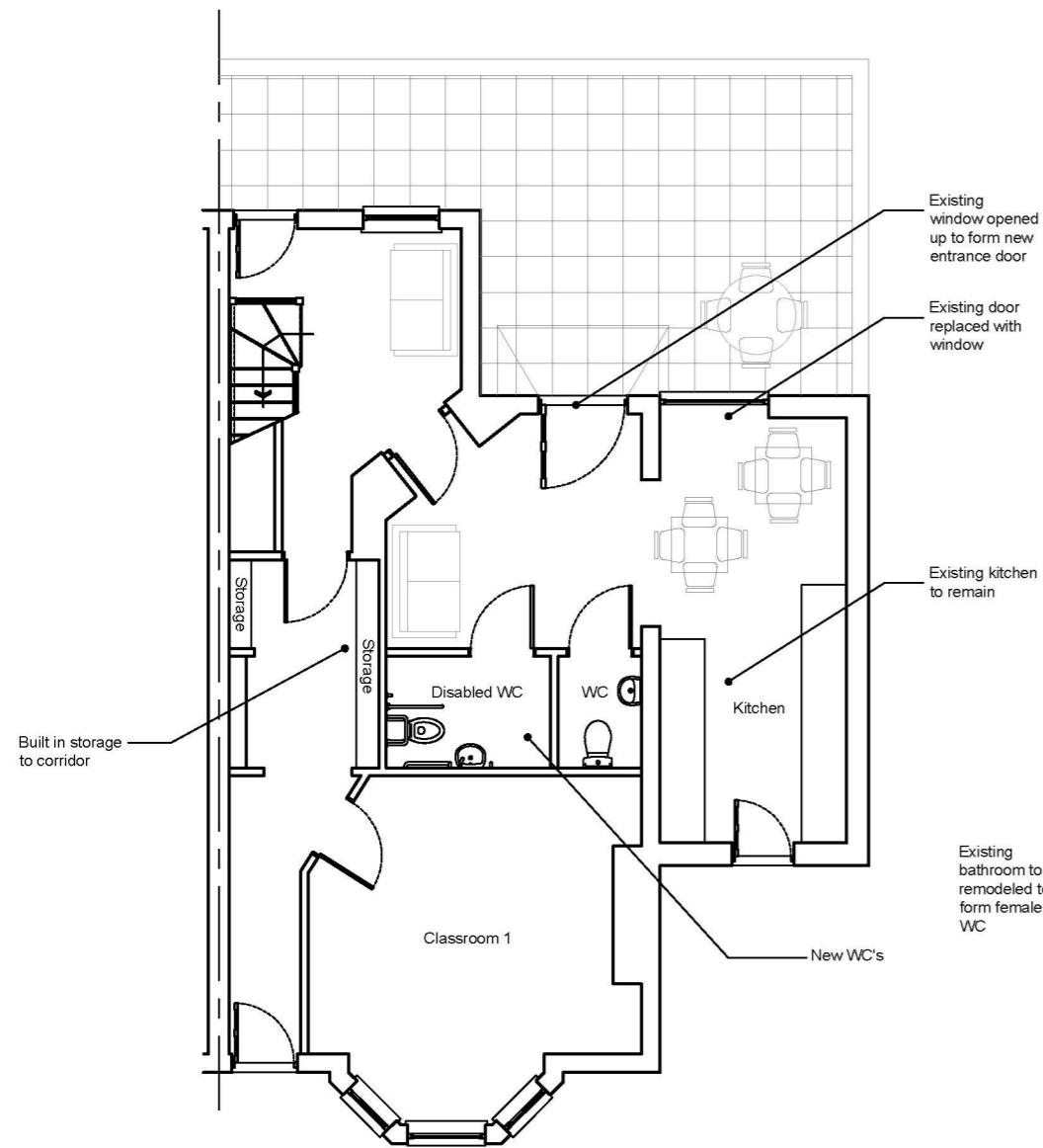
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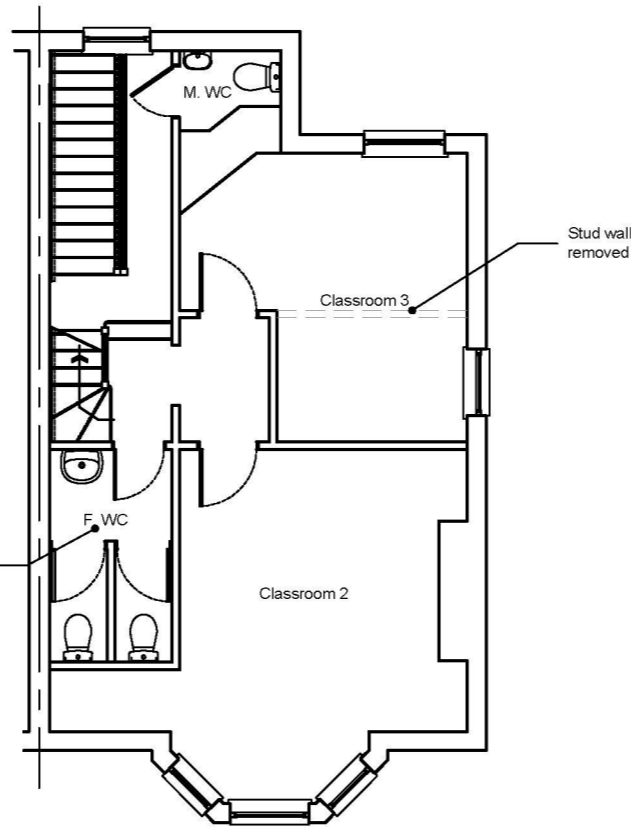
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CLIENT NAME				
PROJECT NAME				
31 Avenue Crescent				
PROJECT NUMBER				
2016-AC				
DRAWING TITLE				
Proposed Elevations				
SCALE	NUMBER	REVISION		
1:100	AC-05			

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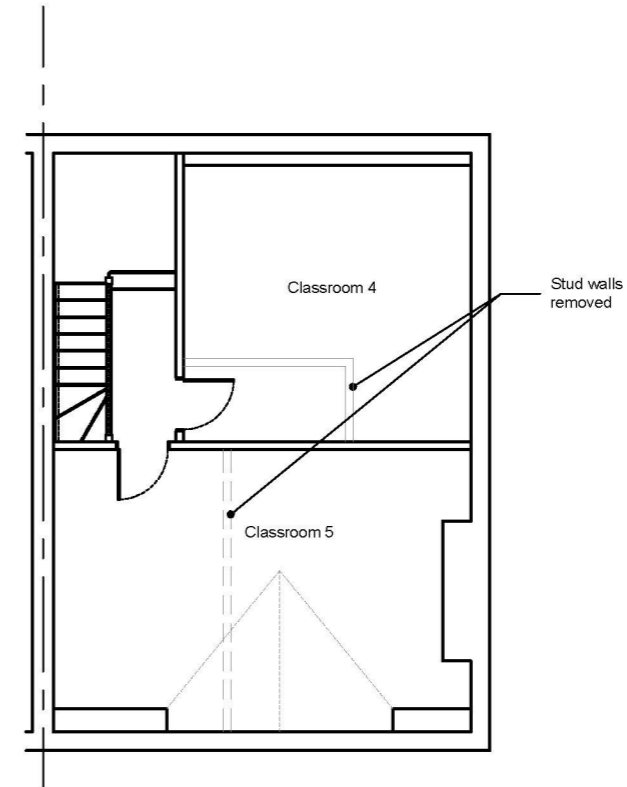




Ground Floor



First Floor



Second Floor

NOTES

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CLIENT NAME

PROJECT NAME

31 Avenue Crescent

PROJECT NUMBER

2016-AC

DRAWING TITLE

Proposed Floorplans

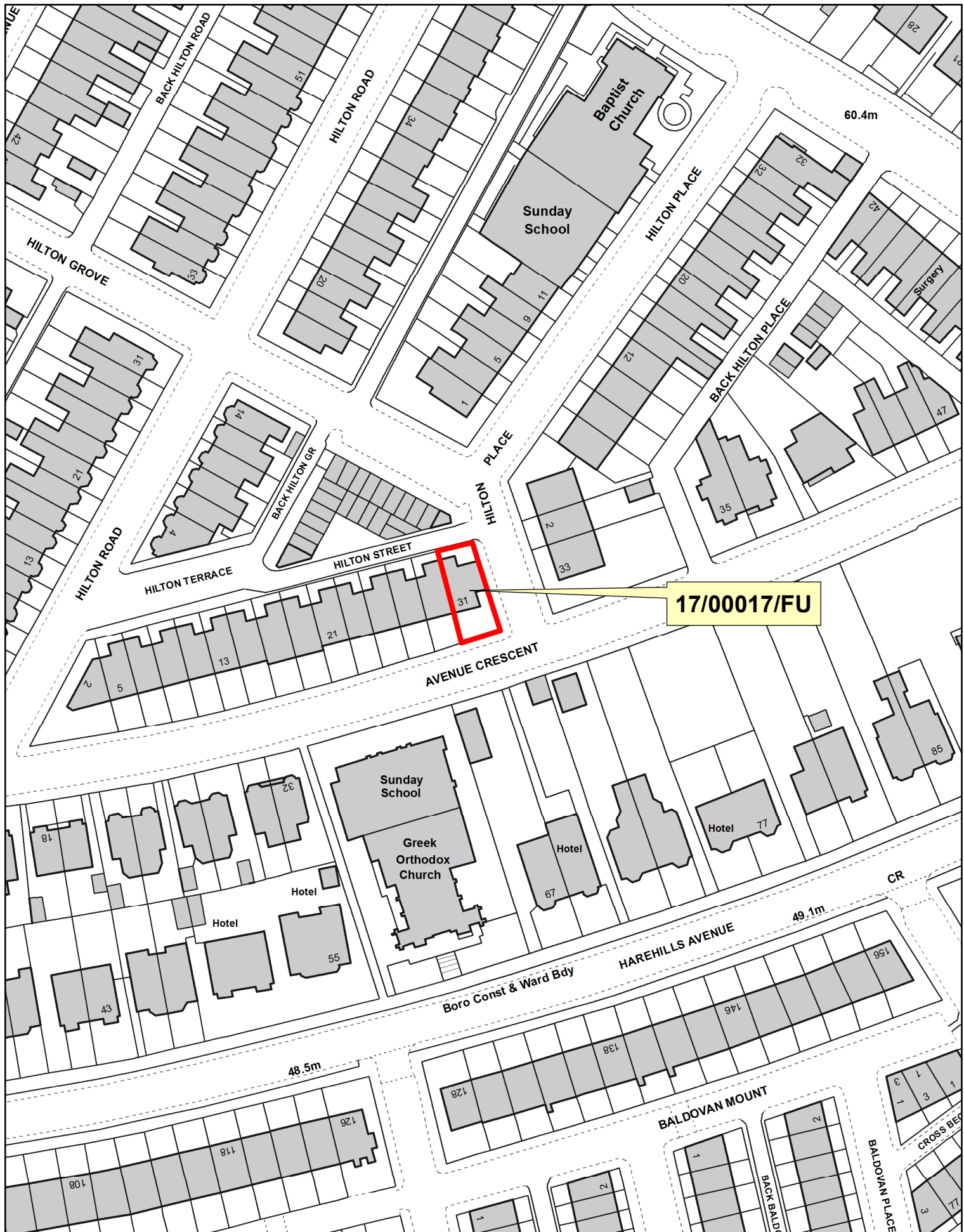
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NORTH AND EAST PLANS PANEL

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