



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 24/09/2009

Subject: APPLICATION 09/02491/FU –conservatory with external access ramp to rear at Baab-UI-Ilm, Jamaat Community Centre at 166 Shadwell Lane Leeds LS17 8AD

APPLICANT

R Bhamani

DATE VALID

26/06/2009

TARGET DATE

21/08/2009

Electoral Wards Affected:
Alwoodley

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Approve subject to the specified conditions.

1. Implementation within 12 months from the date of the granting of planning permission.
2. External materials for the conservatory walls including the ramp to be submitted, approved and implemented.
3. Hours of use to match the host centre i.e. 09.00 hours to 22.00 hours Monday to Friday and 10.00 hours to 20.00 hours at weekends
4. Removal of the marquee within specified period.
5. No amplified music/sound system
6. Retention of existing boundary treatments including landscaping to west and south
7. All opening windows on the west elevation are to be fixed

Reasons for approval:

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government

Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Leeds Unitary Development Plan 2001 (UDP) and the Leeds Unitary Development Plan Review First Deposit Draft 2003 (UDPR).

UDP GP5, N8, N12, N13, T2 and BD6

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.

1.0 INTRODUCTION:

- 1.1 This application is for a detached conservatory to the rear of the existing community centre which is located on Shadwell Lane. It is intended to remove the existing marquee which has been erected in recent years on the rear patio area.

This proposal is brought before the Panel at the request of Ward Councillors Ruth and Ronnie Feldman who have expressed concerns re the noise complaints made by neighbouring residents.

The applicant's legal advisor has provided the following justification for the proposal: The premises are used as a centre for social and religious activities serving the Khoja community mostly on Thursday nights, Friday afternoons and some Saturday mornings. During Ramadan and the Islamic New Year there is increased usage and occasional usage for other religious celebrations and meetings. After prayers and other gatherings, it is customary for a meal to be served for members of the community. Since women eat separately from men and food is not consumed in the prayer and ceremonial rooms, the existing marquee is used by the men for dining purposes. There is no specific planning restriction on who uses the centre. However, membership levels have altered very little since the Community Centre was built in 2003 and this is not anticipated to change. The car parking on site is rarely used to capacity. The premises have been fitted out to a very high standard at an initial cost of approximately £1.4 million. This represents a very significant commitment to the continued use of the site. The construction of the new conservatory may well reduce noise complaints and the cost is expected to be considerable. This further demonstrates the community's commitment to the site and to the wider area.

2.0 PROPOSAL:

- 2.1 The proposal is for a detached conservatory measuring 7m X 10.7m to be erected close to the rear of the existing community centre (i.e. approximately 2m) on the patio area and grassed area beyond for the purpose of providing further dining facilities for existing members. The conservatory will be constructed in brick and white UPVC glazed panels with a polycarbonate roof. A ramp will also be constructed to facilitate access into the conservatory from the south where most of the car parking is located. There will also be an entrance on the north elevation nearest to the host building. The existing car parking provision will not be affected. Revised plans have been submitted which overcome the concerns raised by the access officer. Further revised plans have been received which provide a glazed link to connect the conservatory to the host building. The applicant has also agreed to further conditions which will prevent windows from opening on the west elevation

and which will reduce the statutory time period for commencement of development to 12 months.

3.0 SITE AND SURROUNDINGS:

- 3.1 The large 'L' shaped site is located towards the eastern end of Shadwell Lane on the south side of the main road. Number 166 was formerly a dwelling house which was converted for the current community use around 2003.
- 3.2 To the north of the landscaped site across the main road is a synagogue, to the south is a large residential property which fronts the Ring Road, to the west is a large residential property (Number 164) and to the east is the Lubavitch Community Centre. Beyond the Lubavitch centre to the east are playing fields. The area is predominantly residential with large detached and semi detached dwellings set within mature gardens.

4.0 RELEVANT PLANNING HISTORY:

30/271/95/FU – change of use of dwelling house to community centre – Approved – 22nd November 1996

30/213/97/FU- change of use and extensions of dwelling house to community centre with 4 bedroom flat for the manager- Approved -23rd January 2001

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Negotiations between the planning compliance team and the applicant to remove the marquee have been ongoing for some time. The applicant was encouraged to apply for a more solid structure to replace the temporary partially open structure in order to overcome the reported noise concerns from neighbouring properties.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The proposal was advertised by means of a site notice posted at the front of the site. This site notice expired on 22nd July 2009.
- 6.2 Ward Members have commented that they wish the application to be determined by Panel and have objected to the application on the following grounds:
- The Khoja community do not respect the existing planning conditions
 - Due to the location at the rear, there will be an adverse impact on neighbouring properties to the west and south. These 2 residences already are troubled by constant noise and inconsiderate behaviour by the members
 - These problems take place even though there is a temporary marquee on the site
 - There have been numerous times over several years when cause for complaints from the near neighbours have arisen
- 6.3 3 letters (all from 164 Shadwell Lane) have been received objecting to the proposal on the following grounds:

- Members will congregate outside the entrance to the conservatory instead of the tent creating noise which prevents neighbouring residents from using their gardens and patio area.
- The extension will add to the existing large building which already imposes on Number 164
- There have been complaints against the noise nuisance created by the use of the tent and associated outdoor activity for 4 and a half years.
- Even if the conservatory had sound proofing – there would still be noise problems as members congregate outside.

7.0 CONSULTATIONS RESPONSES:

Statutory:

None.

Non-statutory:

Highways – No objection since the use of the centre as a whole will remain at current levels and there is no intention to increase membership. Also the same type of use i.e. a community meeting space is proposed.

Access – No objection to the revised drawings which now accord with British Standards in terms of adequate accessibility for users with mobility difficulties.

Environmental Health- The proposed conservatory is intended to replace the existing tent like structure at the rear of the building. This structure and its occupancy have been subject to several complaints relating to the hours of operation which are being dealt with by Planning Compliance. The replacement of the temporary structure with a more solid unit may well reduce possible noise issues and therefore there is no objection subject to a condition relating to hours of use which should match the time restrictions imposed for the main building i.e. 09.00 hours to 22.00 hours Monday to Friday and 10.00 hours to 20.00 hours at weekends

8.0 PLANNING POLICIES:

- 8.1 The Development Plan for the area constitutes the Regional Spatial Strategy (RSS) and the Leeds UDPR. The RSS has no direct implications for this proposal.
- 8.2 Within the UDP the following policies are considered relevant:
 GP5 – Development proposals should resolve detailed planning considerations at the application stage.
 N8- Urban Green Corridor
 N12 – Fundamental Principles of Urban Design.
 N13 – Good design that is complementary to its surroundings will be encouraged including contemporary design.
 T2 – Highways considerations.
 BD6 – Extensions should respect the scale and design of the host building.

9.0 MAIN ISSUES

1. Principle of development
2. Character
3. Accessibility
4. Car parking provision

5. Neighbour amenity and noise concerns

6 Other issues

10.0 APPRAISAL

Principle of Development:

- 10.1 The site is currently a community centre and therefore constitutes previously developed land. The proposed detached conservatory to be constructed within 2m of the host building will effectively extend the existing accommodation and as such is considered acceptable in principle. Revised plans now include a glazed link to connect the conservatory with the host building. The Urban Green Corridor (functioning and appearance) is not affected by the proposal which is located to the rear behind the existing building.

Character:

- 10.2 The design of the proposal is considered acceptable since the conservatory with ramp presents as a subordinate extension to the host dwelling and is located to the rear within 2m of the host building. The glazed link which has recently been proposed will physically link the conservatory with the host building.

Accessibility:

- 10.3 The proposal has been revised to take account of the Access Officer's comments and is now accessible to people with mobility difficulties and therefore is acceptable.

Car parking Provision:

- 10.4 Existing on site car parking provision will be retained and since there is no increase in the intensification of the use of the site as extended then car parking levels are considered adequate and acceptable

Neighbour Amenity:

- 10.5 The more solid structure may prevent noise problems from occurring. The conservatory is to be sited a minimum of 12 m from the western party boundary and 33 m from the southern party boundary. Both of these boundaries benefit from mature landscaping which will be retained. In addition, there will be no amplified music or sound systems and the hours of use will be restricted in accordance with the existing planning condition for the centre. These measures are designed to minimise the impact of any noise and enhance neighbour amenity. As such the proposed detached conservatory is considered acceptable. In addition, the applicant has submitted revised plans proposing a glazed link between the conservatory and the host building as well as agreeing to a condition which will prevent windows from opening on the west elevation. These further measures will ensure that any noise will be minimised.

11.0 CONCLUSION:

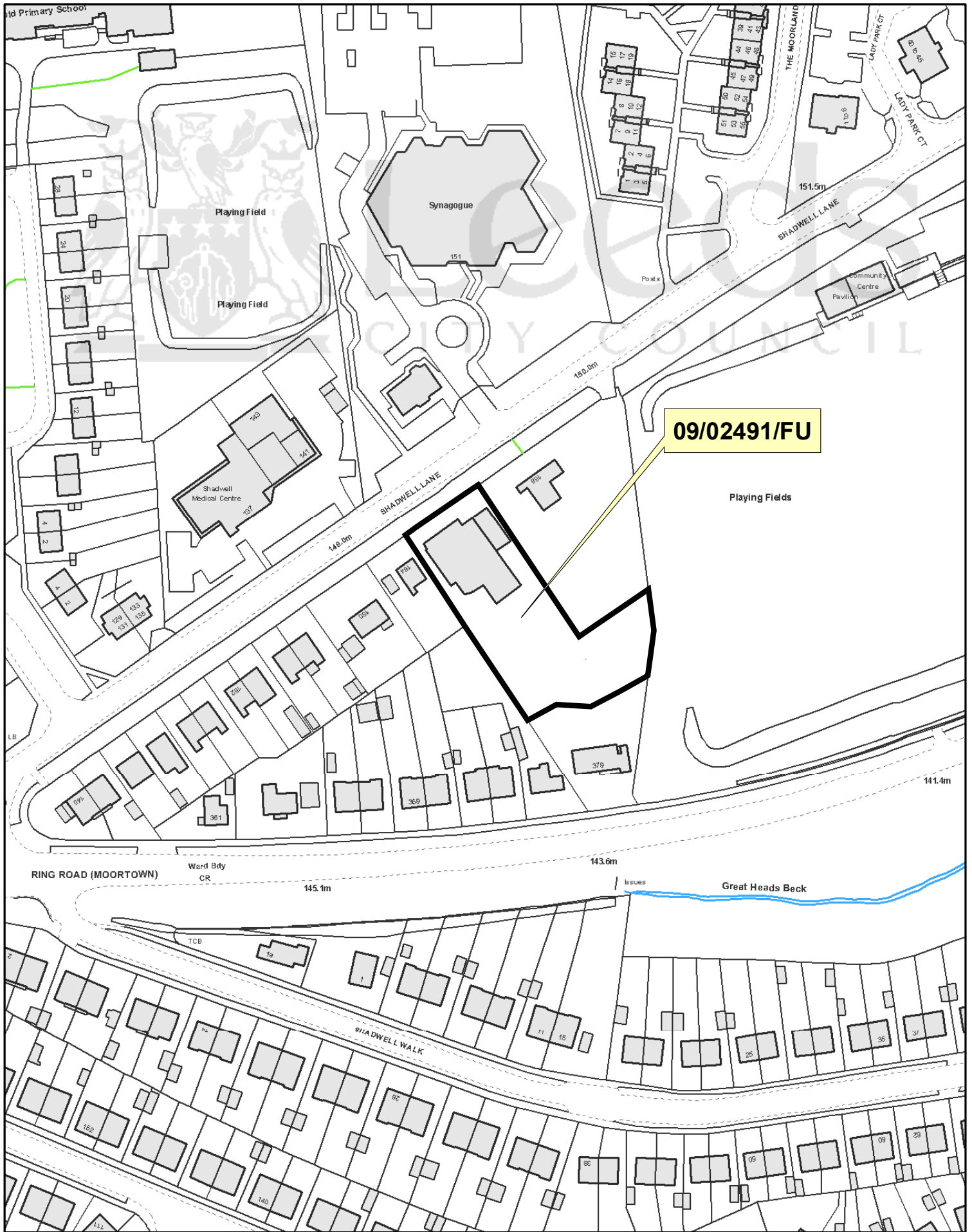
- 11.1 The proposed conservatory and ramp as revised with the glazed link are considered acceptable. A more solid structure may well overcome any noise concerns experienced by local residents and the more transparent design will provide a more pleasant space for members to use for dining. The removal of the marquee which would then not be required would be of benefit to neighbours and members of the

Khoja community centre alike. Therefore it is considered that planning permission should be granted subject to the conditions outlined in this report.

Background Papers:

Application file:
09/02491/FU

Certificate of Ownership signed by applicant as the owner of the site.



EAST PLANS PANEL



Scale 1/ 1500

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