



**Report of the Chief Planning Officer**

**PLANS PANEL CITY CENTRE**

**Date: 4 March 2010**

**Subject: APPLICATION 09/05605/FU – RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM GARAGE TO PLACE OF WORSHIP (D1 USE) AT FORMER ALTON CARS, SAXTON LANE, LEEDS LS9 8HE**

**APPLICANT**

Living Hope Church – Mr. K  
Ilori

**DATE VALID**

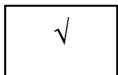
29 December 2009

**TARGET DATE**

30 March 2010

**Electoral Wards Affected:**

**Burmantofts and Richmond Hill**



Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**DEFER and DELEGATE approval to the Chief Planning Officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement within 25 days from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:**

- 1. Travel Plan Monitoring**
- 2. Contribution to local Traffic Regulation Order enhancement within two years of grant of planning permission if significant on-street parking problems occur as a result of the operation of the site as a place of worship.**

**Conditions**

- 1) The premises shall not be used other than for Place of Worship nor any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.

In the interests of highways safety and the amenity of nearby residents.

- 2) The opening hours of the premises shall be restricted to 1000 hours to 2100 hours Monday to Sunday.

In the interests of the amenity of nearby residents.

- 3) The hours of delivery to and from the premises shall be restricted to 0800 hours to 1800 hours Monday to Saturday and 1000 hours to 1800 on Sundays and Bank Holidays.

In the interests of the amenity of nearby residents.

- 4) Within 3 months of the date of this permission the motorcycle and cycle parking facilities as indicated on the approved plans shall be provided. The facilities shall thereafter be retained and maintained as such.

In order to meet the aims of the Transport Policy as incorporated in the Leeds Unitary Development Plan.

- 5) There shall be no storage of refuse outside the areas agreed for refuse storage or on any part of the public highway whatsoever.

In the interests of amenity.

- 6) Unless otherwise agreed in writing by the Local Planning Authority, there shall be no playing of amplified sound or music in connection with the use hereby permitted.

In the interests of the amenity of nearby residents.

**Reasons for approval:** The application is considered to comply with policies GP5 GP7 CC1 CC27 T2 T2C T2B T2D T6 T7 T7B T24 A4 and Proposal Area Statement No. 28 Marsh Lane/Saxton Lane of the UDP Review, as well as guidance contained within PPS1, PPS4, PPG13 and PPG24 and, having regard to all other material considerations, is considered acceptable.

## **1.0 INTRODUCTION:**

- 1.1 This revised application is brought to Plans Panel as it is a major planning application for change of use of vacant car repair garages to place of worship, which when previously submitted in 2009 (ref. 09/02990/FU) as a proposal for place of worship and community centre, generated significant local interest including a Ward Member objection from Councillor Hollingsworth on amenity and highways grounds. This application was subsequently refused under delegated powers on a lack of information on amenity and highways matters. Pre-application discussions were then held with officers in order to try to resolve these issues, and lead to this revised application proposal.

## **2.0 PROPOSAL:**

- 2.1 The submitted application is for the retrospective change of use of two former vehicle repair workshops with car parking area to Place of Worship within Class D1 non-residential institution.

- 2.2 External alterations consist solely of the installation of a cycle and motorcycle store in the north west corner of the car park, which the applicant has agreed would be erected within 3 months of the grant of planning permission.
- 2.3 The church holds services on Wednesday evenings between 1900 and 2100 hours, and Sundays 1030 to 1330 and 1900 and 2100 hours. The church state that congregation numbers are approximately 50-75 people for the Sunday morning service, with the evening services attracting around 25 people.
- 2.4 The on-site car park can accommodate 40 cars using the formal layout, and up to 50 cars if managed by stewards. Group minibus pick-ups and car sharing are the main modes of transport for the congregation, and therefore the applicant states that usually only around 15 cars are generated. Around 20 people use the group mini-bus service. The submitted Travel Plan aims to increase car sharing and group mini-bus pick-ups by 10% in order to further reduce car parking demand over the next three years. A legal agreement is proposed for the monitoring of the Travel Plan.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The application site lies on the eastern side of Marsh Lane at its junction with Saxton Lane.
- 3.2 The application site consists of two single storey (6m) red-brick and profiled metal-clad former car repair garages formerly known as Alton Cars, with tarmac-surfaced car park bounded by a 2.2m high galvanised steel palisade fence.
- 3.3 The immediate surrounding area is a mixture of residential (Saxton Gardens, Flax Place, The Lane, The Garth, The Close) to the south east, a social club to the east, an ambulance station to the south, a student housing scheme to the south, and a car repair workshop opposite (Alderson Autos). The site is bounded by Marsh Lane to the west.
- 3.4 The site lies within the designated City Centre, and lies within UDP Proposal Area Statement No. 28 Marsh Lane/Saxton Lane with no specific use allocation.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 99-20/41/94/FU One block of 3 workshop units each with showroom and one block of 2 workshop units – approved 21 September 1994
- 4.2 20/100/97/FU Detached vehicle repair workshop with office – approved 6 June 1997
- 4.3 08/03203/FU Change of use and alterations of vehicle repair garage to B1, B2 and B8 use – approved 21 July 2008
- 4.3 09/02990/FU Retrospective application for change of use from garage to place of worship and community centre (D1 use) - refused under delegated powers 28 October 2009 for the following reasons:
- (a) Due to the lack of satisfactory and accurate analysis and assessment taking into account private car parking demand and public transport demand impact, it was considered that the use of the site as place of worship and community centre could result in an unacceptable increase in demand for on-street car parking resulting in traffic congestion, prejudicial to the free flow of traffic and

general highways safety in the immediate area, and may lead to an exacerbation of problems relating to public transport service accessibility and capacity.

- (b) The use of the premises as a church and community centre would require the submission of a satisfactory noise assessment and sound insulation scheme as it had not been demonstrated, in the light of complaints at the time that associated activities could result in an acceptable level of noise and disturbance. This was not submitted, and therefore the proposal could be detrimental to the living conditions of nearby residents.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The applicants first occupied the buildings on 1 July 2009, and they submitted an incomplete retrospective planning application on 9 July 2009, which was validated on 17 September 2009, and refused on 28 October 2009 for the above reasons. Following the refusal of the application, Officers from Planning Services, Highways Development Services, and Environmental Protection met with the applicant to try to resolve officer, and local resident concerns. The information requirements for the submission of a revised planning application were agreed and have been submitted. Measures to limit the impact of the church on the amenity of local residents and surrounding streets were discussed. These measures included opening hours, restriction on amplified sound and music, travel plan measures, car park management.

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

- 6.1 (a) Site Notice of Proposed Major Development under Article 8 of the Town and Country Planning (General Development Procedure) 1995 posted 11 January 2010 - expiry 1 February 2010.  
  
(b) Press Notice of Proposed Major Development under Article 8 of the Town and Country Planning (General Development Procedure) 1995 published in Leeds Weekly News 21 January 2010 - expiry 11 February 2010  
  
(c) Richmond Hill and Burmantofts Ward Councillors consulted 8 January 2010 – expiry 5 February 2010  
  
(d) 61 local resident contributors to the previous planning application 09/02990/FU were notified in writing of the submission of the new planning application on 8 January 2010 – expiry 5 February 2010
- 6.2 The applicant met with the Saxton Gardens Resident Group and Councillor Brett on 4 February 2010
- 6.3 (a) 1 letter of comment has been received from a local resident stating that they hoped the application would be resolved for the benefit of local people and the applicants.  
  
(b) 2 letters of objection have been received from local residents; one stating concern regarding noise and disturbance from children and teenagers up to 11pm, and one objecting to the principle of the church. *These issues are addressed in the Appraisal section below.*

## **7.0 CONSULTATIONS RESPONSES:**

### **7.1 Statutory:**

- (a) Leeds City Council Highways Development Services  
The submitted Travel Plan is acceptable and would be controlled by legal agreement. No objection subject to following conditions:
- i. The units must be restricted to D1 use – Places of worship only.
  - ii. The car parking layout, bin storage, motorcycle parking and cycle storage facilities on the approved plans must be implemented within 3 months of planning permission being granted, and retained and maintained thereafter for the lifetime of the development.
  - iii. The applicant must fully fund Traffic Regulation Order (TRO) costs for the change in resident parking permit times of operation to include evenings and weekends if this is necessitated by the impact of the church use within two years of the grant of planning permission.

### **7.2 Non-statutory:**

- (a) Leeds City Council Environmental Protection  
At the submission of the first planning application last year, there were concerns reported to the Environmental Protection team regarding the living conditions of local residents in Mill Street, Flax Place, The Garth and The Close. Following further discussion with the applicant, it is considered that the existing structures would not require scientific noise assessment or additional sound insulation, subject to conditions limiting the use of the site to place of worship only, there being no amplified sound or music, specified opening hours 1000 to 2100 Monday to Sunday, and specified delivery hours 0800 to 1800 Monday to Friday and 1000 to 1800 on Sundays. Environmental Protection team have confirmed that no complaints have been received since they visited the applicants in September 2009.
- (b) Leeds City Council Land Contamination  
No information relating to land contamination was submitted with the application, as no ground excavation has been carried out. The site was previously used as a car maintenance garage, and the applicants have confirmed that no car maintenance pits or oil storage facilities were present at the time of first occupation by the church.
- (c) Leeds City Council Land Drainage  
No objection

## **8.0 PLANNING POLICIES:**

### **8.1 Development Plan**

Regional Spatial Strategy Yorkshire and the Humber 2008

Leeds Unitary Development Plan Review 2006 relevant policies include:

- Policy GP5 all planning considerations
- Policy GP7 planning obligations
- Policy CC1 city centre planning obligations
- Policy CC27 principle use quarters and proposal areas
- Policy T2 transport provision for development
- Policy T2B transport assessments
- Policy T2C travel plans
- Policy T2D public transport provision for development
- Policy T6 provision for disabled

Policy T7 cycle parking  
Policy T7B motorcycle parking  
Policy T24 parking provision for new development  
Policy A4 access for all  
Proposal Area Statement No. 28 Marsh Lane/Saxton Lane

**8.2 Relevant Supplementary Planning Guidance and Documents**  
SPD Public Transport Improvements and Developer Contributions  
SPD Street Design Guide  
SPD Travel Plans

**8.3 National Planning Policy and Guidance**  
PPS1 Delivering Sustainable Development  
PPS4 Planning for Sustainable Economic Growth  
PPG13 Transport  
PPG24 Noise

## **9.0 MAIN ISSUES**

9.1 Principle of use  
9.2 Highways issues  
9.3 Living conditions of nearby residents

## **10.0 APPRAISAL**

10.1 Principle of use

(a) The Unitary Development Plan Review designated City Centre Proposal Area Statement for Marsh Lane/Saxton Lane does not preclude place of worship use in this area. The location of a place of worship in a sustainable, accessible City Centre location is considered to be generally in accordance with national, regional and UDP Review policies. It is therefore considered that the principle of D1 place of worship use would be acceptable in this location, subject to local amenity and highways considerations.

10.2 Highways issues

(a) At the time of the first planning application, there was anecdotal evidence from Ward Councillors and a significant number of local residents, that the use of the premises on weekends and in the evenings was preventing the use of the on-street parking bays in the surrounding streets for residents parking. During weekdays prior to 6pm the area is restricted for residents only, but not outside of that time, when the church is open, namely evenings and Sundays. Survey by officers on weekend of 24 January 2010 indicated that the car park and the nearby on-street public parking bays were operating well within capacity. If on-street car parking problems as a direct result of the church use are reported within two years of planning permission being granted, a survey and assessment would be required to demonstrate that the existing Traffic Regulation Order arrangements are insufficient, and how far enhancements would need to be implemented at the applicants' cost, via the unilateral undertaking.

(b) The Local Planning Authority can only support the use of the site as a place of worship, not a general community centre, which would require an improved and larger car parking layout. If this use were proposed, the demand for

parking or public transport capacity may be more than the current provision and problems may arise.

- (c) The submitted plans show provision of cycle and motorcycle car parking, a condition would be imposed to ensure this is provided within 3 months of the grant of any planning permission.
- (d) In relation to potential impact on public transport, the NGT team have confirmed that the church is of a relatively small scale and its congregation make limited use of public transport, partly due to the use of the dedicated group mini-buses. Given the negligible impact on public transport at present, a financial contribution to public transport would not be required under SPD5.
- (e) The submitted Travel Plan is considered acceptable, and a unilateral undertaking will be entered into by the applicant in order to secure its monitoring in line with the Travel Plans Supplementary Planning Document.
- (f) The submitted Travel Plan sets out the implementation of measures in order to prevent fly parking and local traffic congestion and help to ensure highways safety.

### 10.3 Living conditions of nearby residents

- (a) At the time of the first planning application, the Council's Environmental Protection team received a number of complaints of loud music at the premises over prolonged periods of time late at night and in the early hours of the morning. Most objections to the first planning application referred to loud music and general disturbance into the early hours of the morning from the buildings on the application site. However it has been confirmed by the applicant that these were one-off celebrations which would not be repeated now they are aware of the impact on local residents. The applicant has agreed to abide to conditions limiting hours of use and amplified music at the premises in order to prevent any significant noise issues.
- (b) Environmental Protection have confirmed that since they approached the applicant in September 2009, no complaints have been reported. The low level of objections on this second application compared to the first seems to indicate that noise and disturbance has significantly reduced since those initial occurrences. The recommended conditions would help to ensure any adverse noise is kept to a minimum in the future.

## 11.0 CONCLUSION

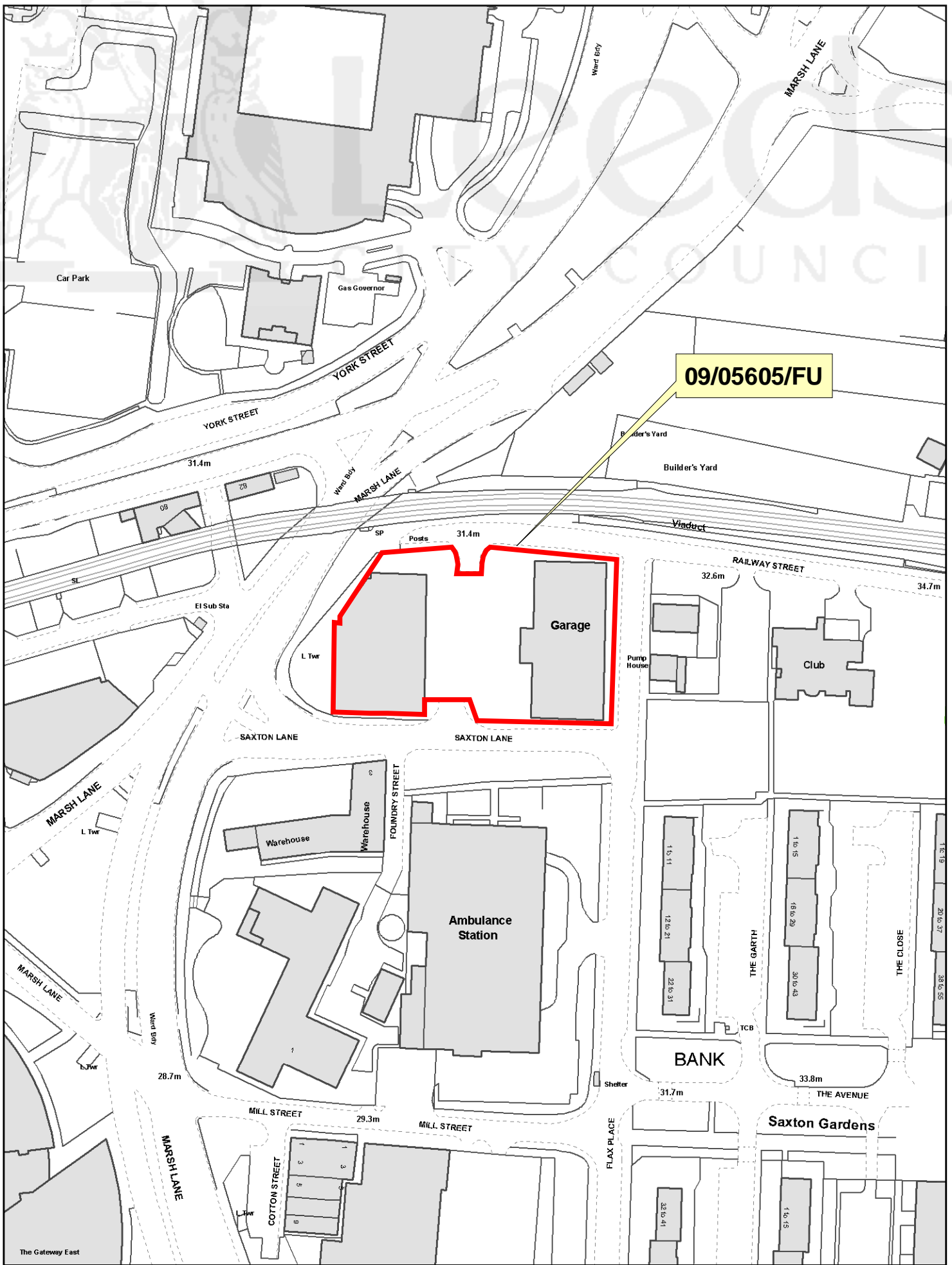
- 11.1 The application proposal is considered to accord with local, regional and national planning policies, and subject to the measures set out above to help control noise and car parking at the site, does not result in adverse amenity or highways issues impacting on local residents. The retention of the place of worship use at the site keeps an otherwise vacant site in use, in a sustainable and accessible location within the City Centre. The application is therefore recommended for approval.

### **Background Papers:**

Application file 09/02990/FU

Application file 09/05605/FU

Certificate of Ownership – Certificate A signed by applicant.



09/05605/FU

# CITY CENTRE PANEL

Scale 1/1500