



Planning Services

Leonardo Building
2 Rossington Street
Leeds LS2 8HD

Mimar Architecture - Mr Zareen Rahman
Peak House
6 Oxford Road
Altrincham
Cheshire
WA14 2DY

Ask for **Mrs Justine Mullen**
Direct Line 0113 2478003
Central Switchboard (0113) 2224444
Fax **(0113) 2476518**
Minicom (0113) 2224410
Email **planning@leeds.gov.uk**
Application Number: 14/06007/FU/S
Date: 16 October 2014

Dear Sir/Madam,

Application Number: 14/06007/FU/S

For: Mixed use development comprising sport hall, teaching and community facility and associated offices and ancillary facilities; change of use of office building for temporary community use during building works

Site At: 49 Barkly Road Leeds LS11 7EW

Thank you for your application which I received on 14 October 2014. The submitted documents do not contain all the information that we need to make a decision on your application.

I have listed below the additional information that we need:-

- 1) Please provide a plan showing existing and proposed levels (all to be shown on the same plan for ease of comparison) in those areas where levels are proposed to change. The plan also needs to include spot levels off-site, particularly to the rear of the building, to allow comparison.
- 2) Sections through the site from front to back, across the site from side to side are required, as well as a section through the building showing all floors including the basement.
- 3) An elevational drawing is required showing the proposed building and neighbouring properties.
- 4) Please clarify the proposed use of the basement below the sports hall and ground floor circulation/equipment store area. It is not clear if these are to be dug out and what, if anything, they are proposed to be used for if so. Sections through the building showing these basement areas would be helpful.
- 5) On plans PL-03 and PL-04 there are windows missing from the rear circulation core which are shown on the corresponding elevation drawings. Please amend these to show the windows.
- 6) Some of the floor plan and elevation drawings have been labelled as both proposed and existing and proposed. Please re-label the plans as it could cause confusion for members of the public.

It is important that you send the outstanding items, marked for my attention, as soon as possible. If we have not received the items within 21 days of the date of this letter, one copy of each of the documents will be returned to you, and any fee refunded separately. We cannot allow you any more time. You will then have to resubmit the application, if you still wish to proceed.

Should you require any further information please contact me directly and I will be pleased to help you.

Yours faithfully

Mrs Justine Mullen
Technical Officer

HELD APPLICATION REPLY SLIP

Mimar Architecture - Mr Zareen Rahman
Peak House
6 Oxford Road
Altrincham
Cheshire
WA14 2DY

**Please return to Mrs Justine Mullen,
Planning Services, Leonardo Building, 2 Rossington Street, Leeds,
LS2 8HD.**

PLANNING APPLICATION : 14/06007/FU/S

Please find enclosed the information listed below as requested:-

- 1) Please provide a plan showing existing and proposed levels (all to be shown on the same plan for ease of comparison) in those areas where levels are proposed to change. The plan also needs to include spot levels off-site, particularly to the rear of the building, to allow comparison.
- 2) Sections through the site from front to back, across the site from side to side are required, as well as a section through the building showing all floors including the basement.
- 3) An elevational drawing is required showing the proposed building and neighbouring properties.
- 4) Please clarify the proposed use of the basement below the sports hall and ground floor circulation/equipment store area. It is not clear if these are to be dug out and what, if anything, they are proposed to be used for if so. Sections through the building showing these basement areas would be helpful.
- 5) On plans PL-03 and PL-04 there are windows missing from the rear circulation core which are shown on the corresponding elevation drawings. Please amend these to show the windows.
- 6) Some of the floor plan and elevation drawings have been labelled as both proposed and existing and proposed. Please re-label the plans as it could cause confusion for members of the public.

From: zareen@zendium-design.co.uk [mailto:zareen@zendium-design.co.uk]

Sent: 21 October 2014 15:32

To: Rann, Jillian

Cc: Mullen, Justine; info zendium

Subject: RE: Aspiring Communities - 49 Barkly Road, Beeston Leeds, LS11 7EN, additional information. 14/06007/FU/S

Dear Justine and Jillian

I hope you have received the drawings OK, please note that my Mimar architecture email seems not to be working, so please can you use this email for ALL correspondence.

Thanks and regards

Zareen



Planning Services

Leonardo Building
2 Rossington Street
Leeds LS2 8HD

Mimar Architecture - Mr Zareen Rahman
Peak House
6 Oxford Road
Altrincham
Cheshire
WA14 2DY

Date: 22 October 2014

Application Number: **14/06007/FU/S**

ACKNOWLEDGEMENT OF RECEIPT OF AN APPLICATION

For: Mixed use development comprising sport hall, teaching and community facility and associated offices and ancillary facilities; change of use of office building for temporary community use during building works

At: 49 Barkly Road, Leeds, LS11 7EW

Thank you for your application dated 22 October 2014.

We aim to make a decision on your application by 21 January 2015 to meet the required timescale set by Government. We will contact you if we need any further information or if there is any delay in dealing with your application.

Your proposal is described above and you should contact us if you feel this is incorrect. If you have not put plan reference numbers on your drawings we have added them as they will be used on the decision notice. You can see these on Public Access. Please use these reference numbers with /A etc if you submit any revised drawings. The officer dealing with your application is Ms Jillian Rann but if you need any information please contact the Development Enquiry Centre on 0113 222 4409. We will be making details of the application available on our website on Public Access, and you can use this to monitor the progress of the application at www.leeds.gov.uk/publicaccess.

In order to make a decision by the target date, we may not always be able to contact you or enter into negotiations with you. Any revisions should be submitted within the timescales agreed with the case officer. Please note that we no longer send out a stamped set of plans with the decision notice.

You can appeal to the Secretary of State if, after 21 January 2015, you have not;

1. had a decision on your application, or
2. agreed to extend the determination period, or
3. been told that your application is invalid, or
4. been told that your fee cheque has been dishonoured,

You can get the appeal form from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or appeal online at www.planningportal.gov.uk/pes. However you should be aware that appealing will prevent the City Council from making a decision on your application and could lengthen the process considerably.

The Inspectorate will publish your planning application and appeal documents on the Internet (on the Appeals area of the Planning Portal). Please ensure that you only provide information, including personal information that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. Further details are available on the Planning Portal.

Rann, Jillian

From: zareen@zendium-design.co.uk
Sent: 06 November 2014 10:13
To: Rann, Jillian
Cc: AHMED, Zeb; 'zeb.ahmed'; 'nadeem.hanif@aspiringcommunities.org'; info@zendium
Subject: Aspiring Communities - 49 Barkly Road, Beeston Leeds, LS11 7EN,14/06007/FU/S - Public Footpath
Attachments: Barkly Road IcePak OS.pdf

Hi Jillian

I have spoken with my client and they confirm from the deeds they have that the public footpath to the west edge of the site is not within their demise. Please see that attached plan.

Regards

Mr. Zareen M Rahman
for and on behalf of Zendium Design.

M: [REDACTED]

Brook, Richard

From: Rann, Jillian
Sent: 10 November 2014 09:21
To: 'Nazarbat Maroof'; 'zareen@zendium-design.co.uk'
Subject: RE: Re... complaint made

Hi Naz and Zareen,

Thanks for letting me know, it's helpful to know that nothing's taking place at the moment. I'd assumed this might be the case but I wasn't sure if there was any demolition work remaining, as I know you'd had consent for some demolition.

We haven't asked for bat surveys previously as the site's not in an area with a lot of features which would suggest bat activity. However, this doesn't mean that there aren't bats in the area. I'm out of the office most of the day today, but I'll have a word with our ecologist tomorrow if I get chance and see what, if anything, we need to do at this stage, or if there's any more information we need as part of your application in the light of the call that has been received. I wasn't able to speak directly to the police officer who'd called last week, but I left a message for her to let her know I'm back in tomorrow so hopefully she will call and I'll be able to clarify things a bit and see if they need any more information from me. I just received the message as I was about to leave for the weekend on Friday, so I wanted to make you aware of the call we'd received before I left for the weekend in case the police contacted you in my absence.

I'll be in touch with Zareen if there's anything further we need from you, or if we need to come out and see the site once I've spoken to our ecologist.

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518
Email: jillian.rann@leeds.gov.uk

Please note I am in the office Monday to Thursday, and work from home on Friday mornings.

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From: [REDACTED] **On Behalf Of** Nazarbat Maroof
Sent: 09 November 2014 22:21
To: Rann, Jillian
Subject: Re... complaint made

Hi Jill

Hope your well and in the best of health.

Zareen has been in touch regarding a complaint that has been made of ob going work and bats.

I dont know whether zeb has been in touch or not but i would just like to clarify that this is totally untrue.

We know legally what we can and can't do and would never carry out any building work on site without proper planning permission and anyone can come down to have a look at the site to check.

Regarding the bats... i have never seen any at the site the only bat i have seen is the one that is in my first full name (NazarBAT lol). Maybe there might be some but we arent aware.

Im more than happy to come down next week to meet up with you if you have a spare half hour.

Thank you

Naz Maroof

ASPIRING COMMUNITIES

Nazarbat.Maroof@aspiringcommunities.org



www.aspiringcommunities.org

Registered with the charities commission, reg no 1141103

Serving Communities For Today and Tomorrow

Rann, Jillian

From: Rann, Jillian
Sent: 11 November 2014 16:14
To: 'zareen@zendium-design.co.uk'
Subject: 14/06007/FU 49 Barkly Road Leeds - Bat survey requirements

Dear Zareen,

Just to confirm our discussion earlier this afternoon. I've spoken to our nature conservation officer, Richard Marsh, following the calls we've received regarding the possibility of bats being present at the site. He's had a look at the site and the proposals and has advised that, although the site isn't in one of our identified bat 'alert' areas (which is why we have not previously requested bat surveys), the existence of a flat roof on the building at the front of the site and the fact that the roofing fabric material to this building is not securely sealed along the roof edge that some bat roosting potential features are present. It is also proposed to remove trees from the site, which also have bat roosting potential. In the light of this, and as we have now received reports of bat sightings in the area, we need to take this possibility and any implications for this protected species into account as part of our consideration of the current application.

To allow us to do so, Richard has recommended in the first instance that a licenced bat consultant is employed to carry out a Bat Scoping Assessment of the buildings on site and the trees which are proposed to be removed. This would need to include close examination of the building and trees for any potential roosting features, and visible evidence of bats, and contacting West Yorkshire Ecology and the West Yorkshire Bat Group for details of any bat roost records for this area.

Depending on the findings of this assessment, it may be necessary to request further information in the form of bat activity surveys to be carried out at the appropriate time before we can make a recommendation. However at this stage, if you can provide this initial scoping assessment a.s.a.p. I will forward to Richard for his comments and advise accordingly.

If you have any questions regarding the nature or level of information required as part of the scoping assessment, I would advise you to contact Richard Marsh in the first instance (0113 247 8151 or richard.marsh@leeds.gov.uk).

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518
Email: jillian.rann@leeds.gov.uk

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Once we have a report from a licenced bat consultant we can consider the next steps – if bat roosting features are identified we will need to decide whether it is reasonable to request bat activity surveys prior to determination (which would need to wait until next Spring/Summer).

Richard Marsh
Senior Nature Conservation Officer
Sustainable Development Unit
0113 2478151


Please note that I am part-time and do not work on Fridays

Brook, Richard

From: Rann, Jillian
Sent: 14 November 2014 11:25
To: zareen@zendium-design.co.uk
Subject: Barkly Road - another quick question
Attachments: Post Multi-Agency Event Response & Proposal 1.pdf

Importance: High

Hi again Zareen,

As part of the previous application for the Barkly Road site, you submitted the attached correspondence which lists the organisations and individuals who are proposed to form a steering group for the centre, if approved. Can you please confirm if this is still an accurate and up to date list, or send me a revised list if not?

Thanks very much.

Jill

Jill Rann MSc MRTPI
Principal Planning Officer - South Team
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518

I am in the office from Monday to Thursday, and work from home on Friday mornings.

From: Zareen Rahman [zareen@mimararchitecture.com]
Sent: 13 November 2013 14:40
To: Rann, Jillian
Subject: Aspiring Communities, 49 Barkly Road, Beeston, Leeds - Further information

Dear Jillian

The client has asked me to forward this document to be considered as part of the planning application.

Regards

Mr Zareen M Rahman
B.Arch (Hons) Dip Arch CABD RIBA ARB
Director



Mimar Architecture Ltd
Bruce Court
25a Hale Road
Altrincham, Cheshire
WA14 2EY

T: 0333 123 5115



Mimar Architecture Ltd
3 Green Street, Little Germany
Bradford
West Yorkshire
BD1 5HG

M: [REDACTED]
E: zareen@mimararchitecture.com
W: www.mimararchitecture.com

The contents of this e-mail are confidential and intended solely for the use of the individual to whom they are addressed.

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If you have received this e-mail in error please notify Mimar architecture by telephone (0333 123 5115), or by e-mail to info@mimararchitecure.com

Brook, Richard

From: Naz Maroof [REDACTED]
Sent: 14 November 2014 17:03
To: zareen@Zendium-design.co.uk
Cc: Nadeem AC; Zeb Ahmed; AHMED, Zeb; Oredecki, Adam; zeb.ahmed; info zendium; Nazarbat.Marooof@aspiringcommunities.org; Rann, Jillian
Subject: Re: Quick query re: Q&A document submitted with planning application

The steering group is made up of several individual who are part of the group and work for various organisations. However, their views and opinions are purely individual and don't represent the views of the organisations they work for. Most of them are local residents or work locally within the area.

We are in partnership with Hunslet Hawks and this can be confirmed by [REDACTED] from their organisation. Again, to clarify we have only worked with [REDACTED] from Hunslet Hawks with our community outreach programme. We are currently in talks with [REDACTED] [REDACTED] [REDACTED] They are in the process of providing us a supporting letter which will state the work we intend to carry out collaboratively in the locality. This is a new organisation that wishes to work with us.

All the other various organisations are not in partnership with us at the moment but we wish to work with them and other similar organisations in the locality as partners should they wish to do so in the future. This is to ensure we are able to cater for the needs of all people.

Some of the individuals have said to us recently not to mention the organisations they work for so we have updated that on our website and also stated that they are individual views and not of the organisations they work for or represent. This applies to the individual testimonials as well which can be found on the Aspiring Communities website.

Below is the up to date list of the people who are part of the steering group.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The meetings have not been attended by all the individuals mentioned above due to the timings of the meetings and work commitments. However, they have all been informed of meetings and where relevant,

minutes have been sent to them via email so they are kept up to date. The people who have attended most of the meetings regularly are:

[REDACTED]

Hope the above information clarifies who is part of the steering group.

[REDACTED]

On 14 Nov 2014 17:00, "zareen@zendium-design.co.uk" <zareen@zendium-design.co.uk> wrote:
Hi Jillian

Further to your query, I have discussed with the client and the team. Adam from Amey has come back to me with the following statement that supersedes the one from the document. I can update and up-rev the same if required:

"Throughout the examination of the revised development scheme at both pre-application and formal planning application submission stage Amey has always submitted that the development will not result in any demonstrable harm to the operational safety and efficiency of the local highway network. This is made explicit within the Transport Statement notably in Sections 5.4, 6.3, 8.3, 8.5 and within the full context of Section 8.7 of the Transport Statement."

Up to date statement from client on the steering group is to be released shortly.

Kind regards

Zareen

On 14 November 2014 at 09:56 "Rann, Jillian" <Jillian.Rann@leeds.gov.uk> wrote:

Hi Zareen,

Just a quick question that hopefully you or our client will be able to help me with. As part of the current application you've submitted a document entitled "Questions and Answers in light of recent public consultation 23.09.14". In section 6 of this document, there is a quote which is cited as a 'key finding', which says "the visitors to site are likely to have very little effect on highway conditions in close proximity to the site and on the surrounding highways network."

Can you please advise where this quote is taken from? I presume it's one of the findings in something Amey have carried out, but I can't find it in the current Transport Statement or anything that was submitted as part of your pre-application documents. I've been asked the question as to whether this is something Leeds' highways officers have said, as Section 6 refers to Leeds highways department, but the way I've read it, this is a finding which has been made available to Leeds, not something our Highways officer has said. I would appreciate it if you could confirm where this quote has been taken from please.

I'm contactable by email this morning, and then back in the office on Monday if you need to speak to me.

Thanks very much,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer - South Team
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518

I am in the office from Monday to Thursday, and work from home on Friday mornings.

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Mr. Zareen M Rahman
for and on behalf of Zendium Design.

M: 

Brook, Richard

From: zareen@zendium-design.co.uk
Sent: 20 November 2014 13:20
To: Rann, Jillian
Cc: [REDACTED]; Nazarbat.Marroof@aspiringcommunities.org; Afaq; 'zeb.ahmed'; AHMED, Zeb; 'Zeb Ahmed'; 'nadeem.hanif@aspiringcommunities.org'; Hinchliff Walker, Victoria
Subject: Aspiring Communities - 49 Barkly Road, Beeston Leeds, LS11 7EN,14/06007/FU/S - Bat Survey

Hi Jill

The client has asked me to contact you to state that a bat scoping survey has been conducted on site. As far as I understand no evidence of bats were found. The full report is to follow shortly.

Kind regards

Zareen

On 07 November 2014 at 16:37 "zareen@zendium-design.co.uk" <zareen@zendium-design.co.uk> wrote:

Hi Jill

Following receipt of your email I have emailed and spoken to my client immediately on this matter. Both Zeb and Nadeem [who is on site now] confirm the following:

1. There is no demolition taking place on site at all presently.
2. They have not seen any bats on site.

Please note that a bat survey was not requested for the initial planning or this planning application. Nonetheless my client has stated that should either the police or the ecologist wish to visit the site in order to inspect, they are welcome. Simply contact Mr Nadeem Hanif on [REDACTED]

Kind regards

Zareen

From: "AHMED, Zeb" <Zeb.AHMED@bouygues-es.co.uk>
Date: 7 Nov 2014 15:11
Subject: RE: RE: Aspiring Communities - 49 Barkly Road, Beeston Leeds, LS11 7EN,14/06007/FU/S - Public Footpath
To: "Zareen @ Zendium Design" <zareen@zendium-design.co.uk>, "zeb@aspiringcommunities.org" <zeb@aspiringcommunities.org>, "Zeb Ahmed" <[\[REDACTED\]](mailto:[REDACTED])>, "Nadeem. Hanif" <nadeem.hanif@aspiringcommunities.org>, "

nazabarat.marroof@aspiringcommunities.org" <nazabarat.marroof@aspiringcommunities.org>
Cc: "Mohammed Afaq" <afaq@mimararchitecture.com>, "Zareen Rahman" <info@zendium-design.co.uk>

There is no demolition on site!

Best Regards

Eur Ing **Zeb AHMED** MBA MEng CEng FICHEM FEI FIoD
Deputy Managing Director
Bouygues E&S Contracting UK Limited

zeb.ahmed@bouygues-es.co.uk

Tel. [+44 \(0\)161 249 1006](tel:+441612491006) • Ext. 671006 • [REDACTED]
One Didsbury Point • 2 The Avenue • Manchester • M20 2EY

www.bouygues-es.co.uk

From: Zareen @ Zendium Design [mailto:zareen@zendium-design.co.uk]
Sent: 07 November 2014 15:11
To: AHMED, Zeb; zeb@aspiringcommunities.org; Zeb Ahmed; Nadeem. Hanif; nazabarat.marroof@aspiringcommunities.org
Cc: Mohammed Afaq; Zareen Rahman
Subject: Fwd: RE: Aspiring Communities - 49 Barkly Road, Beeston Leeds, LS11 7EN,14/06007/FU/S - Public Footpath

Salaams Gents

Just received the email from Jill below. Someone is complaining about demolition on site and a possibility that bats may be present. Can you please ensure that all demolition work on site are stopped immediately until the ecologist from the council gives the all clear.

Regards

Zareen

On 07 November 2014 at 14:31 "Rann, Jillian" <Jillian.Rann@leeds.gov.uk> wrote:

Hi Zareen,

I'm not in the office today but I've received a message from our enquiry centre advising that the Police have called about a call they have received advising that buildings are being demolished on the Ice Pak site and that there may be bats in the buildings.

If any demolition is taking place your client needs to be aware of relevant legislation relating to bats as a Protected European Species, and of their obligations in this respect. The legislation makes it illegal, amongst other things, to kill or knowingly disturb bats or their habitat/roosts. The fact that

your client may have consent for demolition on the site does not override their legal obligations in this respect, which are covered by separate legislation, and which are a matter for the police if not complied with.

I have called the police back to give them some more detail about the site, and have given them your contact details as agent for the application so that you can pass on a message to the applicants or contact them if necessary.

I am not back in the office until Tuesday. I would strongly advise that if any works are taking place at the site, these are stopped until I have had the opportunity to seek further advice from our ecologist next week. Please be aware that I am not implying that your clients are carrying out any such works, as I am not fully aware of the nature of the call that has been received or what, if any, works have been carried out. I just wanted to make you aware of the call we'd received and that the police might contact you, and to suggest that your clients are advised of their obligations in this respect if they are not already aware, just in case.

I'll give you a call on Tuesday when I'm back in the office.

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer - South Team
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518

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Mr. Zareen M Rahman
for and on behalf of Zendium Design.

M: [REDACTED]

Mr. Zareen M Rahman
for and on behalf of Zendium Design.

M: [REDACTED]

Brook, Richard

From: zareen@zendium-design.co.uk
Sent: 17 November 2014 14:55
To: Nazarbat.Marroof@aspiringcommunities.org; Rann, Jillian
Cc: 'zeb.ahmed'; AHMED, Zeb; 'Zeb Ahmed'; Nazarbat.Marroof@aspiringcommunities.org; [REDACTED]; 'nadeem.hanif@aspiringcommunities.org'; 'Oredecki, Adam'; info zendium
Subject: Re: Barkly Road, Beeston (14/06007/FU)

Follow Up Flag: Follow up
Flag Status: Completed

Hi Jill

To answer the queries, I have been liaising with the client who have stated the following:

1. Q&A document section 6 quotation: Zeb from Aspiring Communities has stated that he had made this comment.
2. I understand that Naz has spoken to you directly with regards to the steering committee points.

I hope this clarifies the situation.

Kind regards

Zareen

On 17 November 2014 at 13:23 "Rann, Jillian" <Jillian.Rann@leeds.gov.uk> wrote:

Dear Zareen and Naz,

Thank you for getting back to me so quickly in response to my queries last week. As I discussed with Zareen earlier this morning, I would appreciate a bit more clarification from you both on these points please.

The background to my queries relates to a request we have received for information under the Environmental Information Regulations (similar to a Freedom of Information Request) for further clarification on some very specific questions regarding the information requested as part of the application and the nature and origin of some of the statements made.

With reference to my first query about the quote in Section 6 of the Q&A document submitted with the current application (attached), this section includes a statement, in quote marks, stating that "the visitors to the site are likely to have very little effect on highway conditions in close proximity to the site and on the surrounding highway network". As this is in quote marks I had presumed this was a direct quote that had been taken from one of the application documents for this or the previous application, but I am unable to find this specific quote in any of the documents submitted, or in any pre-application correspondence with ourselves. I have been asked to confirm exactly where this quote came from, and would appreciate it if you could direct me to the document that this was taken from or, if it is not a direct written quote, please confirm who said it and when.

In relation to the details of the Steering Group, I have been asked to confirm what information I have received about who is on the Steering Group and in what capacity they are involved. I note that the people you refer to may be representing themselves rather than the organisations with which they are affiliated, but if this is the case, I would appreciate it if you could confirm for the people you have listed in what capacity they are involved, even if just as local residents rather than as representatives of a particular organisation.

Thanks very much again for your help with this.

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518

Email: jillian.rann@leeds.gov.uk

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Mr. Zareen M Rahman
for and on behalf of Zendium Design.

M: [REDACTED]

Brook, Richard

From: zareen@zendium-design.co.uk
Sent: 25 November 2014 18:52
To: Rann, Jillian
Cc: [REDACTED]; AHMED, Zeb; 'Zeb Ahmed'; 'nadeem.hanif@aspiringcommunities.org'; Nazarbat.Marroof@aspiringcommunities.org; [REDACTED]; Afaq
Subject: Aspiring Communities - 49 Barkly Road, Beeston Leeds, LS11 7EN,14/06007/FU/S. Planning Process and consultee responses.

Hi Jill

RE: Aspiring Communities - 49 Barkly Road, Beeston Leeds, LS11 7EN,14/06007/FU/S. Planning Process and consultee responses.

Further to the consultees' comments, we are looking at putting forward the relevant responses. Could you please tell us the following:

1. What is the timetable for return of consultee queries, how long do we have to respond? This is especially because some of the queries are complex and will need time and appropriate resource to answer.
2. What is the process from here on in, i.e. will it be necessary for another plans panel presentation or will the application be decided directly at planning committee?
3. Have all the responses from consultees now been received or are more likely?

Thanks and regards

Zareen

On 24 November 2014 at 08:33 "Rann, Jillian" <Jillian.Rann@leeds.gov.uk> wrote:

Dear Zareen,

It was just my intention to forward on the highways comments for you to respond to, as these will need to be satisfactorily addressed and the relevant additional information provided before we can make a recommendation, so if you've viewed these online you can just respond accordingly. Similarly, if there are any other consultee comments or local representations you wish to respond to, you can just do this directly. If there are any specific issues that flag up once I've reviewed the comments in more detail I'll let you know, but I've got a few other applications I need to deal with first, so it's likely to be later on this week or next before I have chance to do so.

If there's anything you'd like to discuss, please don't hesitate to contact me.

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518
Email: jillian.rann@leeds.gov.uk

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From: zareen@zendium-design.co.uk [<mailto:zareen@zendium-design.co.uk>]
Sent: 21 November 2014 17:22
To: Rann, Jillian
Cc: Afaq; 'zeb.ahmed'; 'Oredecki, Adam'; AHMED, Zeb; 'Zeb Ahmed';
'nadeem.hanif@aspiringcommunities.org'; Nazarbat.Marroof@aspiringcommunities.org;
[REDACTED]
Subject: Barkly Road Site - Highways & Other Consultee Comments

Dear Jill

Can you please inform us of the correct protocol with regards to the latest consultee comments we have viewed on-line, in particular from Highways and others? Shall we proceed to respond with our comments / updates or shall we await your initial view[s] before moving ahead? We don't want to cause any confusion.

Kind regards

Mr. Zareen M Rahman
for and on behalf of Zendium Design.

M: [REDACTED]

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Mr. Zareen M Rahman
for and on behalf of Zendium Design.

M: 

Brook, Richard

From: zareen@zendium-design.co.uk
Sent: 02 December 2014 11:25
To: Rann, Jillian
Cc: info zendium
Subject: RE: 49 Barkly Road (application 14/06007/FU) - Planning Meeting

Hi Jill

If you could give me a heads-up with respect to the queries you have, perhaps I can assist / expedite some of these in the meanwhile.

With regards to the highways comments, Adam from Amey is formulating his response, so I think this will be best dealt with via email from Adam to your highways colleagues directly.

Regards

Zareen

On 02 December 2014 at 10:37 "Rann, Jillian" <Jillian.Rann@leeds.gov.uk> wrote:

Thanks Zareen,

I'll confirm the meeting with Steve and Nadir for the 15th. The aim of the meeting was to discuss matters relating to the design and layout of the building, as we have quite a number of queries in this respect. It wasn't my intention to discuss highways matters specifically, as it was my understanding that you were in the process of formulating a response to the comments highways have made. Are there particular aspects of the highways comments you wanted to discuss?

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518
Email: jillian.rann@leeds.gov.uk

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From: zareen@zendium-design.co.uk [<mailto:zareen@zendium-design.co.uk>]
Sent: 02 December 2014 10:18
To: Rann, Jillian

Cc: 'zeb.ahmed'; AHMED, Zeb; Afaq; 'Oredecki, Adam'

Subject: Re: 49 Barkly Road (application 14/06007/FU) - Planning Meeting

Dear Jill

I have spoken to my client and we would prefer Monday 15th Dec at 10:30am. Will our highways consultant be required in addition?

Regards

Zareen

On 01 December 2014 at 14:36 "Rann, Jillian" <Jillian.Rann@leeds.gov.uk> wrote:

Dear Zareen,

I have now discussed the design and layout of the revised scheme in detail with our design officer, Nadir Khan. These have thrown up quite a number of issues in relation to the internal layout and arrangement of accommodation within the building, and about how some of the external arrangements and levels work, which we need some clarification on before we can fully consider or comment in detail on the external design of the building.

At this stage therefore, I think it would be helpful to meet to discuss so that we can discuss our concerns and seek clarification on the issues that have arisen. At the moment Nadir, Steve and myself are available next Monday (8th) at 12 noon or Monday 15th at 10.30am. Can you please confirm if either of these times would be convenient, and which you would prefer if so. I'd appreciate it if you could let me know a.s.a.p. please so that I can confirm room bookings and let Steve and Nadir know.

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518

Email: jillian.rann@leeds.gov.uk

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Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.

M: [REDACTED]

Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.

M: [REDACTED]

Brook, Richard

From: Rann, Jillian
Sent: 02 December 2014 12:17
To: 'zareen@zendium-design.co.uk'
Subject: RE: Barkly Road - Bat Survey

Hi Zareen,

Thanks for this. I've just had a quick read through, and I just wanted to raise something before I forward onto our ecologist for comments. At paragraph 4.3.3 (tree assessment), the report says 'the only trees on site were a row of conifers along the north western border of the site. These trees are likely to be retained within the development as they provide screening, so any bat roosts within these trees will not be impacted by the development'. However, this is not the case, as your plans show that these trees are proposed to be removed, not retained as it says in the bat report. As stated in my original email, the survey needs to include and take account of any trees which are proposed to be removed as part of the development.

Please provide a revised survey to include an assessment of all trees which are proposed for removal, as shown on your submitted plans.

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518
Email: jillian.rann@leeds.gov.uk

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From: zareen@zendium-design.co.uk [<mailto:zareen@zendium-design.co.uk>]
Sent: 02 December 2014 12:04
To: Rann, Jillian
Cc: 'zeb.ahmed'; 'Zeb Ahmed'; Nazarbat.Marroof@aspiringcommunities.org; [REDACTED]
'nadeem.hanif@aspiringcommunities.org'; Afaq
Subject: Barkly Road - Bat Survey

Hi Jill

Please find attached the completed bat survey from our ecologist.

Regards

Zareen

----- Original Message -----

From: David Ryder <david@jcaac.com>

To: "zareen@zendium-design.co.uk" <zareen@zendium-design.co.uk>

Cc: Mohammed Afaq <afaq@mimararchitecture.com>

Date: 02 December 2014 at 11:22

Subject:

Hello Zareem,

Please find the completed report for Barkly Road attached.

If you have any queries please do not hesitate to contact me.

Kind regards

David

	<p>David Ryder Ecologist, JCA Ltd. 01422 376335 (tel.) 01422 376232 (fax.) david@jcaac.com www.jcaac.com</p>	<p>Unit 80 Bowers Mill Branch Road, Barkisland Halifax West Yorkshire HX4 0AD</p>
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Mr. Zareen M Rahman

B.Arch [Hons] Dip Arch RIBA ARB

for and on behalf of Zendium Design.

M: [REDACTED]

Brook, Richard

From: Rann, Jillian
Sent: 02 December 2014 14:00
To: 'Nazarbat Maroof'
Subject: RE: Objections on portal

Hi Naz,

I've looked at the letters and I don't know what these are I'm afraid. I've looked at the original copies of these letters and the crosses seem to have been photocopied when the standard letter template has been reproduced, they're not written on in pen or anything and haven't been added by us. They all appear to be the same, and given where they are on the page, it looks like they might be staples which were on a copy of the letter which has subsequently been photocopied for use by others? In any event, they don't have any significance in terms of our consideration of these representation, these letters will be considered in the same way as all other comments we receive.

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518
Email: jillian.rann@leeds.gov.uk

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From: [REDACTED] **On Behalf Of** Nazarbat Maroof
Sent: 02 December 2014 13:49
To: Rann, Jillian
Subject: RE: Objections on portal

Thanks Jill

Batch 46 majority have a cross on them

Several in batch 45 have a cross on them.

Thanks

Naz Maroof
ASPIRING COMMUNITIES
Nazarbat.Maroof@aspiringcommunities.org

www.aspiringcommunities.org
Registered with the charities commission, reg no 1141103
Serving Communities For Today and Tomorrow

On 2 Dec 2014 13:09, "Rann, Jillian" <Jillian.Rann@leeds.gov.uk> wrote:

Hi Naz,

I'm fine thanks.

Apologies for the error with the 100 Grovehall Drive objection, I've relabelled this as a letter of support on Public Access now.

With regard to the letters of objection you refer to with crosses on them, can you please give me an example of one of these (a date and description from the website would be helpful please), as I'm not sure which ones you refer to.

Kind regards,

Jill

Jill Rann MSc MRTPI

Principal Planning Officer

Planning and Sustainable Development

Leeds City Council

Tel: 0113 247 5518

Email: jillian.rann@leeds.gov.uk

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From: [REDACTED] **On Behalf Of** Nazarbat Maroof

Sent: 02 December 2014 12:39

To: Rann, Jillian
Subject: Objections on portal

Hi Jill

Hope your well?

Just a quick query.... there are many objection letters uploaded on portal which have a cross on them and I was wondering what does the cross represent.

Finally, there is a letter uploaded from 100 Grovehall drive which is a supporting letter but has been labelled as an objection document. Could this please be corrected.

Thank you

Naz Maroof
ASPIRING COMMUNITIES
Nazarbat.Maroof@aspiringcommunities.org



www.aspiringcommunities.org

Registered with the charities commission, reg no 1141103
Serving Communities For Today and Tomorrow

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Brook, Richard

From: zareen@zendium-design.co.uk
Sent: 03 December 2014 16:46
To: Rann, Jillian
Cc: Butler, Steven; Afaq; 'zeb.ahmed'; AHMED, Zeb; 'Zeb Ahmed'; Nazarbat.Marroof@aspiringcommunities.org
Subject: Re: 49 Barkly Road, Beeston (14/06007/FU)

Dear Jill

In light of the new P8 adopted planning policy, does the date of our planning application submission pre-date the new adopted policy and is therefore not applicable to us?

Nonetheless with all this extra information to be provided, we hope that our application is nearing an approval! Should this be required, we will endeavour to have the information to you as soon as possible.

Kind regards

Zareen

On 03 December 2014 at 16:12 "Rann, Jillian" <Jillian.Rann@leeds.gov.uk> wrote:

Dear Zareen,

I had a meeting yesterday with our retail/town centre planner, Adam Harvatt, to discuss the Barkly Road application and in particular the sports centre component. As sports centres are defined as a 'town centre use' in the National Planning Policy Framework he has confirmed that, in the light of the requirements of Policy P8 of the Leeds Core Strategy which was formally adopted by the Council last month, a sequential test is needed for this part of the development.

I have attached a copy of policy P8 and the supporting details for this policy (you can ignore the highlighting), together with a plan showing the town and local centres designated in the Core Strategy. As the sports centre is a town centre use not within an 'A' use class, part D of the table applies. Based on the gross floorspace of the sports centre (which includes changing/reception areas and equipment stores), the requirement is for a sequential assessment which needs to cover all of those designated centres and edge of centre locations that are within a 10 minute inbound drivetime of the site. Because the floorspace is less than 1500m², no impact assessment is needed in this instance.

If you have any questions regarding the scope or requirements for the sequential test, I would advise you to contact Adam in the first instance. He can be contacted on 0113 247 8120 or at adam.harvatt@leeds.gov.uk

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518
Email: jillian.rann@leeds.gov.uk

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Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.

M: [REDACTED]

Brook, Richard

From: zareen@zendium-design.co.uk
Sent: 08 December 2014 15:35
To: Rann, Jillian
Cc: 'zeb.ahmed'; AHMED, Zeb; 'Zeb Ahmed';
Nazarbat.Marroof@aspiringcommunities.org;
'nadeem.hanif@aspiringcommunities.org'; [REDACTED]; Afaq; info
zendium
Subject: RE: 49 Barkly Road - Bat Survey

Hi Jill

Updated Bat survey attached. Our consultant has specifically visited the site again to re-assess the trees.

Regards

Zareen

Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.

M: [REDACTED]

Brook, Richard

From: Oredecki, Adam <Adam.Oredecki@amey.co.uk>
Sent: 09 December 2014 10:40
To: Rann, Jillian
Cc: 'AHMED, Zeb' (Zeb.AHMED@bouygues-es.co.uk); zareen@zendium-design.co.uk; 'nadeem.hanif@aspiringcommunities.org'; Nazarbat.Marroof@aspiringcommunities.org; Afaq
Subject: Planning Application 14/06007/FU Barkly Road

Follow Up Flag: Follow up
Flag Status: Flagged

Jillian,

Further to the receipt and examination of the Transport Development Services Consultation Response dated 19th November 2014 we attach for your consideration our response to the matters raised.

Regards,

Adam Oredecki

Principal Transport Planner (Road Safety) | Consulting, Rail & Strategic Highways
Amey

t: 0113 2810458 | m: [REDACTED] | e: adam.oredecki@amey.co.uk
Unit 2A | Antler Complex | Bruntcliffe Way | Morley | Leeds | LS27 0JG



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Jillian Rann

Principal Planning Officer
Planning and Sustainable Development
Leeds City Council
The Leonardo Building
2 Rossington Street
Leeds LS2 8HD

Adam Oredecki
Principal Transport Planner
Unit 2A, Antler Complex
Bruntcliffe Way
Morley
LS27 0JG

Tel: +44(0) 113 281 0458

Our reference: CO03022445

Your reference: Planning Ref: 14/06007/FU

Tuesday, 9 December 2014

**Planning Application Ref: 14/06007/FU
Aspiring Communities, Barkly Road, Leeds**

Dear Jillian

We refer to the Transport Development Services (TDS) consultation response made in relation to planning application 14/06007/FU which we respond to accordingly.

Whilst we welcome the highway officers recommendation of 'no objection in principle' we are disappointed that yet another highway officer, (this brings the total to 4), has been assigned to consider the development proposals for the site. Based on our extensive experience in development control, including within Leeds City Council district, we have never encountered such a situation where we have had to resort to dealing with numerous highway officers for a single development site. Continual Officer changes results in a loss of consistency, continuity, understanding of the development nuances, loss of dialogue and translation between officers whilst introducing inconsistencies and procrastination of the decision making process.

As you will be aware planning application ref: 13/05214/FU was withdrawn and revised by current proposal under 14/06007/FU. You will also be aware that pre-application discussions for the current development proposals were held with TDS with the same highway officer (M. Norcliffe) that had dealt with planning application 13/05214/FU thereby providing a level of consistency, continuity and an understanding of the development nuances.

Having reached agreement on the scope of the Transport Statement and respective technical matters at the pre-application stage a further change in officers means that the applicant in effect has to 'start afresh' in substantiating the development proposal as the discussions/agreement at the pre-planning application stage with TDS have not been taken fully into consideration. For the avoidance of any further doubt and to assist the current highway officer we shall now comment on each point raised using the main headings listed in the TDS consultation response.

Accessibility – Walking, Cycling, PT

The highway office has requested that certain off-site highway improvements are implemented:

- Barkly Road / Oakhurst Mount mini-roundabout – provision of dropped crossings with tactile paving to assist the increased pedestrian traffic; and
- Widening of a public footpath along the western boundary of the site to provide a shared pedestrian / cyclist facility.

We can confirm that the applicant is willing to provide dropped crossing with associated tactile paving at the Barkly Road / Oakhurst Mount mini-roundabout.

With reference to the public footpath we have received a copy of an email dated 28th November 2015 from the Definitive Map Officer to the Planning Department confirming that the previously deemed public footpath is unregistered and therefore the Public Rights of Way office do not wish to raise any objections to the proposed development provided that the path is not encroached upon in any way.

Vehicular Access

The access arrangements have been modified, as indicated on the architects drawing, on the basis of providing an IN / OUT arrangement in accordance with the highway officer's comments.

Internal Layout / Servicing / Bins

The amended drawing numbered Ice.Pak_Refuse_1 RevB shows the location of bin storage area at surface level. In terms of servicing it is proposed that a refuse vehicle would access the site via the southern access and negotiate its way through the surface car park existing the site via the northern exit only point onto Barkly Road. Vehicle swept paths have been undertaken, (enclosed), that confirm that refuse vehicles can enter and leave the site in a forward gear without having to reverse out into Barkly Road.

In order to achieve the refuse vehicle manoeuvres it is necessary to utilise a number of car parking spaces. Therefore, the servicing strategy for the community centre will be to ensure that measures are in place in order to allow servicing to include restricting the refuse vehicle arrival times and coning-off car parking spaces.

Traffic Impact – Concurrent Uses

The TDS highway consultation makes specific reference to the concurrent events that would take place during Friday prayers or when Leeds United FC are playing at home. The peak traffic and parking demand have been calculated on that basis. However, the applicant has previously been advised that these cannot be reasonably conditioned as it would be difficult to monitor effectively. The TS therefore needs to be amended accordingly i.e. with the other uses during peak prayer times".

The applicant has reiterated, time and time again, that the levels of occupancy during Friday prayers will be controlled through the management of the site including, physical spatial limitations, insurance compliance on visitors, compliance with Building Regulations, prayer mat size and restrictions on concurrent land uses during Friday peak prayers.

As the TDS highway consultation has commented that a planning condition could not control such uses it is considered that the only way in which the applicant can demonstrate to the Planning Authority that specific uses will only take place at specific times is for the applicant to enter into a Planning Obligation with the Planning Authority to manage uses that coincide with Friday prayers. Otherwise, we consider that the applicant is being asked to produce the impossible for this scheme.

It is considered that a Planning Obligation meets the statutory test of:

1. Necessity to make the development acceptable in planning terms;
2. Directly related to the development; and
3. Fairly and reasonably related in scale and kind to the development.

By entering into a Planning Obligation the applicant is able to demonstrate and control the proposed land uses that would take place concurrently as detailed in the Transport Statement and at a level that is commensurate to the supply of off-street car parking.

A significant benefit for the Planning Authority is that the Planning Obligation would facilitate the development of a Community Centre whereby its uses would be enforceable under legislative processes.

By way of this letter we confirm on behalf of the applicant, Aspiring Communities, that the applicant is willing to enter into a Planning Obligation with Leeds City Council to restrict concurrent land uses to a level that is commensurate with the supply of on-site car parking during Friday prayers.

Traffic Impact – Community Hall

The TDS highway consultation questions whether the community hall will be used as a genuine community facility. For the avoidance of doubt the Community Hall is a facility for the local community and will hold the following events:

- Public meetings;
- Specialist interest group subject meetings to be held with Partners of Aspiring Communities;
- Health, welfare and education workshops;
- Health screening sessions;
- Educational activities;
- Community interest and conservation groups; and
- Local community events arranged by the local community.

Levels of occupancy will be controlled through the management of the site including booking management systems, physical spatial limitations, insurance compliance on visitors, compliance with Building Regulations, circulation areas and tables/chair spatial requirements.

A total of up to 250 persons could be accommodated in the Community Hall.

The proposed community events are typical to those events held at any other Community Halls dispersed throughout the district of Leeds including those operated by Leeds City Council.

In terms of derivation of car parking demand for the Community Hall this was discussed during pre-application [REDACTED] we were advised by TDS to apply the UDP maximum car parking standard of 1 space per 22sqm of gross floor area (ground floor footprint) for a Community Hall. Therefore, the proposed level of on-site car parking satisfies UDP requirements.

Phased Development

By way of this letter we confirm on behalf of the applicant, Aspiring Communities, that the temporary facilities will not be used for prayers.

Analysis – Friday Prayers

As you will be aware during the consideration of planning application 13/05214/FU and pre-application discussions the issue of Friday Prayers was considered acceptable and never brought into question. The main area of concern related to the use of the Community Centre for larger events. The applicant, having confirmed through the revised proposal that no large events would take place, we are disappointed that the issue of Friday Prayers has been raised as a concern.

During pre-application discussions with TDS (M.Norcliffe) it was agreed that a range of modal share thresholds for single car occupancy would be applied to the assessment. These ranges being derived from surveys undertaken within the Leeds district and accepted by Leeds City Council, planning appeal values and modal share values suggested by TDS.

We are, therefore, again disappointed to note that the TDS highway officer dealing with the current application has given little weight to the 43% modal share when this value was suggested at the pre-application stage by his TDS colleague (M.Norcliffe).

From our examination of the TDS highway response the reason that is now given as to why the 43% is not relevant is that this does not reflect the behaviour observed at existing mosques in Leeds including surveys carried out by the highway authority. However, no evidence has been provided within the TDS consultation response to the Planning Department and or to the Applicant to substantiate this assumption. Irrespective of pre-application discussions we consider that it is only reasonable for TDS to disseminate their observations and surveys in order for common ground to be reached on this matter.

In the interests of the planning process we have no alternative but to submit our formal request to Leeds City Council under the Freedom of Information Act for TDS to disclose and make available all information (including survey methodologies, numbers of surveyors, survey site locations, dates and times of surveys, raw data) that the highway officer has relied upon in order to retract the 43% modal share. Without such data our 43% modal share stands as no evidence has been tabled to the contrary.

Having retracted the 43% modal share TDS has applied a 50% modal share value, based on planning appeal (APP/N2345/A/11/2147267), to the current proposal and derived that the peak visitor demand at Friday prayers based on 250 worshippers would equate to 125 car parking spaces. TDS has added a further 53 users from the Sports Hall and 2 for the offices giving a peak demand of 180 car parking spaces which would result in 20 vehicles parking on the surrounding streets. This is a false assumption in that the Sports Hall will not function at the same time as Friday prayers, (see earlier comments substantiating reasons)

TDS in its highway consultation response then proceed to increase the modal share to 60% without providing any justification or substantiation in relation to off-street car parking demand. This can only be considered as a subjective statement made by an Officer and no reliance can be placed upon this 60% modal share particularly as the Officer in the TDS consultation response quite clearly states that a 50% modal share has been used to estimate the car parking level.

To inform Members and to be fair and reasonable to the Applicant a clear appraisal is required. Either a 50% modal share [REDACTED] is not appropriate. As the Officer has used a 50% modal share we conclude that this is the benchmark value against which the application has been measured against by TDS. If a 50% modal share is the appropriate value we cannot see any reason why the Officer has to speculate and introduce an arbitrary 60% modal share. This results in confusion and also questions the reliability of the TDS evaluation.

As a matter of interest even in applying a 60% modal share for car drivers the proposed car parking supply can accommodate the demand.

As reiterated throughout the course of pre-application discussions and planning application 13/05214/FU no other uses will take place in the Community Centre that coincide with Friday Prayers apart from the office use. This can be controlled under a Planning Obligation. Friday Prayers will be restricted to the Prayer Hall with occupancy dictated by matters including size of prayer mat and Building Control regulations (i.e. circulation space). Taking into account the available floor area of the Prayer Hall, 250 worshippers could be accommodated.

In conclusion, taking into account the number of worshippers and the Planning Obligation, the site affords an adequate level of car parking with the application of evidence based data irrespective of whether the modal share values given in the Transport Statement or 50% value are applied.

Analysis – Sunday Community Use

The TDS highway consultation questions whether the community hall will be used as a genuine community facility. For the avoidance of doubt the Community Hall is a facility for the local community and will hold the following events:

- Public meetings;
- Specialist interest group subject meetings to be held with Partners of Aspiring Communities;
- Health, welfare and education workshops;
- Health screening sessions;
- Educational activities;
- Community interest and conservation groups; and
- Local community events arranged by the local community.

Levels of occupancy will be controlled through the management of the site including booking management systems, physical spatial limitations, insurance compliance on visitors, compliance with Building Regulations, circulation areas and tables/chair spatial requirements.

A total of up to 250 persons could be accommodated in the Community Hall.

The proposed community events are typical to those events held at any other Community Halls dispersed throughout the district of Leeds including those operated by Leeds City Council.

In terms of derivation of car parking demand for the Community Hall this was discussed during pre-application discussions where we were advised by TDS to apply the UDP maximum car parking standard of 1 space per 22sqm of gross floor area (ground floor footprint) for a Community Hall. Therefore, the proposed level of on-site car parking satisfies UDP requirements.

Parking

By way of this letter we confirm on behalf of the applicant, Aspiring Communities, that whilst the applicant is willing to enter into a Section 106 Agreement to fund a traffic regulation order to mitigate against on-street parking we would question at this stage whether such an obligation would satisfy the legal tests for planning obligations. TDS, in its highway consultation have commented that there is likely to be some on-street parking but have not quantified the scale and extent of whether this will be an actual occurrence.

The only way a [REDACTED] Obligation would satisfy the legal tests for Planning Obligations would be for this particular item to be linked to the Travel Plan where the monitoring regime would identify the need for the traffic regulation order.

Travel Plan

The need for a Travel Plan was discussed at the pre-application stage as outlined in the Transport Statement. During the pre-application discussions TDS agreed to seek advice from TravelWise to establish if there was an actual need for a Travel Plan. No confirmation was received.

The Interim Travel Plan makes it quite clear that it forms the infancy of the development of the Travel Plan.

By way of this letter we confirm on behalf of the applicant, Aspiring Communities, that the applicant is willing to enter into a Section 106 Agreement for the further development of the Travel Plan including monitoring.

Offsite Highway Works

No further comments are made.

Road Safety

No further comments are made.

Summation

We must reiterate our disappointment at the continual change in TDS Officers for a site which I trust that you will appreciate has resulted in a loss of consistency and continuity and brings the benefit of the pre-planning application process into serious question. This is a separate matter that we will be referring to the Chief Executive.

The TDS highway consultation response has recommended that whilst there is no objection in principle additional clarification and information would be required. These are summarised as follows:

Accessibility

Dropped crossings and tactile paving will be provided at the Barkly Road / Oakhurst Mount mini-roundabout.

Improvements to the public footpath running along the western boundary of the site will not be carried out as the Public Rights of Way Officer has confirmed that the link is unregistered.

Vehicular Access

Ingress / egress arrangements have been modified in accordance with the TDS highway consultation recommendation.

Internal Layout / Servicing / Bins

Vehicle swept paths have been carried out that confirm a refuse vehicle can enter and leave the site in a forward gear.

Servicing will be restricted to outside peak demand periods.

Traffic Impact – Concurrent Uses

The applicant is willing to enter into a Planning Obligation to restrict the proposed uses and times of operation. [REDACTED]

Traffic Impact – Community Hall & Analysis – Sunday Community Use

Additional information has been submitted listing the proposed uses. The level of car parking has been derived in accordance with TDS requirements that confirm that a sufficient level of on-site car parking has been provided to accommodate the Community Hall use.

Phased Development

The applicant has confirmed that no prayers will take place within the temporary facility.

Analysis – Friday Prayers

Irrespective of the use of modal share values used (23%, 43%, 50%) it is clear that the site affords an adequate level of car parking to accommodate the development; such confirmation being made by TDS in its application of a 50% modal share value.

Parking

The applicant is willing to enter into a Section 106 Agreement concerning a traffic regulation order but the wording and implementation of the wording would need to be in a manner that satisfies the legal tests for Planning Obligations and under no circumstances could the Planning Obligation be used as a pre-requisite for the commencement of development on grounds that the traffic regulation order is made under a separate legislative power.

Travel Plan

The applicant is willing to enter into a Section 106 Agreement relating to the development of the Travel Plan.

Freedom of Information Act

We make our formal request to Leeds City Council to disclose and make available all information (including survey methodologies, numbers of surveyors, survey site locations, dates and times of surveys, raw data, emails, written correspondence) that the TDS Officer has relied upon in order to retract the 43% modal share value.

We would welcome a copy of the relevant highway related planning conditions in due course.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Adam Oredecki".

Adam Oredecki, IEng, FIHE, MCIHT, FSoRSA, RegRSA
Principal Transport Planner
For and on behalf of Amey OWR Limited

Direct line: +44(0)113 281 0458

Mobile: [REDACTED]

Email: Adam.Oredecki@amey.co.uk

cc Aspiring Communities
 Mirmar Architecture

Brook, Richard

From: Harvatt, Adam
Sent: 07 January 2015 11:26
To: zareen@zendium-design.co.uk
Cc: Rann, Jillian
Subject: RE: 49 Barkly Road, Beeston (14/06007/FU) - Sequential Test

Hi Zareen,

The NPPF lists 'intensive sport and recreation' as a main town centre use, which includes such uses as 'health and fitness centres'. The NPPF does not provide an exhaustive list as to what should or shouldn't constitute a main town centre use, and as a result uses which aren't explicitly mentioned will always be subject to a 'judgement call'.

The facility provides intensive sports facilities to all paying customers, and therefore in my view falls within the category of intensive sport and recreation. However, the scope of the sequential test should be proportionate to the scale of the proposal, and clearly your proposal is smaller than the scheme I forwarded to you. This will allow for a certain degree of simplification. However, I would stress that the Sequential test I sent you was not particularly large or complex by Sequential testing standards. It only considered 9 sites, in a small amount of detail. Other sequential tests can run to hundreds of pages long and contain 50+ sites, depending on the area and the proposal.

What I would advise is for you to have a first attempt at what you might view as a 'simplified version' and email it to me directly. I'll offer you advice on whether improvements are required in terms of further detail, or not. Then we can move forward from there.

Thanks
Adam

Adam Harvatt
Principal Planner
Forward Planning & Implementation
City Development
Leeds City Council
Tel 0113 247 8120

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From: zareen@zendium-design.co.uk [mailto:zareen@zendium-design.co.uk]
Sent: 07 January 2015 10:48
To: Harvatt, Adam
Cc: info@zendium
Subject: RE: 49 Barkly Road, Beeston (14/06007/FU) - Sequential Test

Hi Adam

Thanks for this. One question:

Just wondering why a 'sports and community development building' such as ours requires a sequential test, since it's not included in the NPPF's list of main town centre uses that requires such a test?

In light of the above are we still expected to provide such a complex analysis or can the scope for the sequential test be simplified?

Regards

Zareen

On 05 January 2015 at 14:45 "Harvatt, Adam" <Adam.Harvatt@leeds.gov.uk> wrote:

Hi Zareen, Happy New Year.

Apologies for the delay in sending you this. For clarity this is obviously for a different kind of scheme to yours, but I hope it gives you an idea of what we expect from a Sequential Test (page 7 onwards). If you have any further questions, please don't hesitate to get in touch.

Many thanks
Adam

Adam Harvatt
Principal Planner
Forward Planning & Implementation
City Development
Leeds City Council
Tel 0113 247 8120

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From: Zareen Rahman [<mailto:zareen@zendium-design.co.uk>]
Sent: 22 December 2014 13:28
To: Harvatt, Adam
Cc: Rann, Jillian; 'Mohammed Afaq'; [REDACTED]
Subject: 49 Barkly Road, Beeston (14/06007/FU) - Sequential Test

Hi Adam

Hope that you are well. Further to our conversation a couple of weeks ago, would you kindly send on the example of the sequential test required so that our design team can get this sorted for the council.

Regards

Mr Zareen M Rahman
Principal Architect
B.Arch [Hons] DipArch C.A.B.D. RIBA.



For and on behalf of Zendium Design.

M: [REDACTED]

www.zendium-design.co.uk

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----- Original Message -----

From: "Rann, Jillian" <Jillian.Rann@leeds.gov.uk>

To: "zareen@zendium-design.co.uk" <zareen@zendium-design.co.uk>

Cc: "Butler, Steven" <Steve.Butler@leeds.gov.uk>

Date: 03 December 2014 at 16:12

Subject: 49 Barkly Road, Beeston (14/06007/FU)

Dear Zareen,

I had a meeting yesterday with our retail/town centre planner, Adam Harvatt, to discuss the Barkly Road application and in particular the sports centre component. As sports centres are defined as a 'town centre use' in the National Planning Policy Framework he has confirmed that, in the light of the requirements of Policy P8 of the Leeds Core Strategy which was formally adopted by the Council last month, a sequential test is needed for this part of the development.

I have attached a copy of policy P8 and the supporting details for this policy (you can ignore the highlighting), together with a plan showing the town and local centres designated in the Core Strategy. As the sports centre is a town centre use not within an 'A' use class, part D of the table applies. Based on the gross floorspace of the sports centre (which includes changing/reception areas and equipment stores), the requirement is for a sequential assessment which needs to cover all of those designated centres and edge of centre locations that are within a 10 minute inbound drivetime of the site. Because the floorspace is less than 1500m², no impact assessment is needed in this instance.

If you have any questions regarding the scope or requirements for the sequential test, I would advise you to contact Adam in the first instance. He can be contacted on 0113 247 8120 or at adam.harvatt@leeds.gov.uk

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518

Email: jillian.rann@leeds.gov.uk

Please note I am in the office Monday to Thursday, and work from home on Friday mornings.

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Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.

M: [REDACTED]

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Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.

M: 

Brook, Richard

From: Rann, Jillian
Sent: 12 January 2015 11:32
To: 'zareen@zendium-design.co.uk'
Subject: RE: 49 Barkly Road, Beeston (application 14/06007/FU) - Planning Extension of Time

Thanks Zareen,

Thank you for your agreement to the extension of time. As this allows us to continue to consider the proposals as part of the current application, no additional fee is required.

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518
Email: jillian.rann@leeds.gov.uk

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From: zareen@zendium-design.co.uk [mailto:zareen@zendium-design.co.uk]
Sent: 12 January 2015 11:30
To: Rann, Jillian; Butler, Steven
Cc: afaq@mimararchitecture.com; 'Zeb Ahmed'; nadeem.hanif@aspiringcommunities.org; AHMED, Zeb; Nazarbat.Marroof@aspiringcommunities.org; 'Oredecki, Adam'
Subject: 49 Barkly Road, Beeston (application 14/06007/FU) - Planning Extension of Time

Dear Jillian and Steve

Thank you for the email, we were about to ask this very question about the timetable.

Further to discussion with our client,. they are in agreement to the extension of time to 1st April 2015 as long as there are no additional planning fees chargeable.

We are working on providing the additional information as requested.

Kind regards

Zareen

From: Rann, Jillian [<mailto:Jillian.Rann@leeds.gov.uk>]
Sent: 12 January 2015 09:35
To: zareen@mimararchitecture.com
Cc: Butler, Steven
Subject: 49 Barkly Road, Beeston (application 14/06007/FU)

Dear Zareen,

In the light of recent correspondence and discussions regarding outstanding design, highways and other matters, including the design issues we discussed at our meeting in December and the email from Andrew Dmoch to Adam Oredecki last week, I have been reviewing the timescales for this application.

The 13 week target date for the application is 21st January. As we have previously discussed, the application will need to be reported to Plans Panel for determination once we are in a position to make a recommendation. The deadline for January Panel has now passed, and therefore to allow us to continue with our consideration of the proposals under the current application it will be necessary to agree an appropriate extension of time.

In terms of the outstanding highways concerns, as discussed in correspondence between myself, Andrew and Adam over the last few days, we have now agreed that a further meeting is required to discuss some aspects of Adam's correspondence and Andrew's comments, which is likely to be next week at the earliest. It is likely that further information will then need to be provided and considered following this meeting.

In terms of the design matters, as we have previously discussed, as well as reconsulting with Nadir it is also likely that we will need to readvertise the revised plans once we receive these from you. As some concern has been raised locally regarding land stability issues in relation to the excavation works proposed to create the basement car park, we may also need to seek further advice from our surveyors/building control officers once we have the full details of levels, retaining walls and site sections from you as requested at our meeting, so that we can fully consider these matters in the light of the concerns raised.

We are also still awaiting the sequential test relating to the sports centre element of the proposals, which I understand you have been in correspondence with Adam Harvatt about. We will need to consult with Adam on this once it is received.

In the light of the level of information which is still outstanding and the need for further discussions, consultations and readvertisement of the proposals once revised/additional details are provided, I would advise that we will not be in a position to fully assess these details and responses in time to take a report to the February Plans Panel meeting. The next Panel meeting will be 19th March. Obviously until I have received revised/additional details and had the opportunity to readvertise these and discuss with relevant colleagues, I am unable to provide further confirmation on likely timescales for determination, but in the first instance I would suggest an extension of time until 1st April, after the March Plans Panel meeting.

I would therefore appreciate your agreement to this suggested extension of time until 1st April 2015, to allow us to continue with our discussions and consideration of the proposals under the current application.

I look forward to hearing from you. If you have any questions, please don't hesitate to contact me.

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518

Email: jillian.rann@leeds.gov.uk

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Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.

M: [REDACTED]

From: Sutcliffe, Judith on behalf of Crabtree, Philip
Sent: 18 December 2014 14:15
To: zareen@zendium-design.co.uk
Cc: Rann, Jillian
Subject: FW: 49 Barkly Road, Beeston (14/06007/FU) - Concerns on the planning process

Dear Zareen,

I refer to your email last week to Jill and Steve, in which you raise a number of concerns regarding the processing of your applications for the former Ice Pak site on Barkly Road.

As you are aware, as well as the many letters of support that have been submitted, we have also received a large number of letters of objection from local residents in response to this and the previous application, raising significant planning concerns including highway safety and the potential impacts of the development on neighbouring residents. In view of the high numbers of representations received and the sensitivity of the application, it is therefore vital that we have enough information regarding the nature and extent of the use to allow the potential implications to be fully understood and assessed before a recommendation is made to Members of Plans Panel. At this stage, despite the lengthy discussions you refer to, we still do not consider that the information you have submitted to date provides sufficient clarity to allow this assessment to be made, as identified in the requests for further information which have been raised by Jill and colleagues in highways.

I will respond to the specific points you raise in turn:

1. Although pre-application discussions are encouraged as a way of identifying key issues at an early stage, the decision on any subsequent application ultimately depends on the specific details and the level of information submitted, and in many cases further issues or information requirements may be identified as the details are considered and the scheme evolves. Although significant changes have been made with the current application, there are still certain elements of the proposals in terms of the mix and nature of uses which are remain unclear, and issues specific to the revised scheme, such as queries regarding the levels and external layouts, which have only become evident since the new application has been submitted. I understand that you have met with Jill, Steve and Nadir and discussed some of these in more detail.
2. The highways and parking implications of the proposed development have always been central to the consideration of the proposals, and are matters which have been consistently raised by colleagues in highways and in representations from local residents. Although for various reasons there have been changes in the highways officer dealing with this scheme, responses have all been co-ordinated through the team leader, and the requests for further information regarding the nature and mix of uses have been consistent and specific to the scale and nature of the proposals under consideration at the time the comments were provided. As the most recent comments state, there are matters specific to the revised scheme which are still unclear, and highways officers unfortunately still do not consider that the level of detail provided is sufficient in some respects to allow them to fully understand and consider the implications of the proposals or explain these to Members of Plans Panel.
3. As Jill has explained, the site is not in an area which is identified as having a higher than average likelihood of bat activity, and therefore it was not considered necessary to request a bat survey from the outset. However, since the submission of the most recent application we have received a number of letters from local residents advising of bat sightings in the area. The Council has a statutory duty to have regard to the potential impact of the proposals on this protected species, and having taken advice from our nature conservation officer in the light of this information which has only recently come to light, it was considered appropriate to request a bat scoping report to allow this to be fully considered before making a recommendation.

- 4-8. Although I note your comment that the sports hall is part of a wider community and educational scheme, it is necessary to consider all the relevant implications of the various elements of the proposals individually as well as in combination. Sports centres are defined as a 'town centre use' in the National Planning Policy Framework, which establishes the need for sequential assessments to be carried out for such uses when proposed in out of centre locations. The recently adopted Core Strategy, which now carries full weight as part of the Development Plan to be used for the determination of planning applications, specifies how this national policy is to be applied in Leeds, as set out in the email Jill sent you last week. As Jill has advised, the sequential test requires an assessment of alternative sites in identified centres and a commentary as to why any suitable alternative sites within these centres have been discounted. It is not necessary to consider the impact on other in-centre facilities as the floorspace is below that at which an impact assessment is required.

Although the Core Strategy was adopted after your most recent application was submitted, Section 38 of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the Development Plan which is in force at the time that the application is actually determined. The Core Strategy now forms part of the Development Plan and therefore the application must be determined on this basis.

9. Although I appreciate that you have been asked for various items of additional information, as I have advised above, in the light of the complexities and sensitivities of this application, it is important that the local planning authority has sufficient information to allow a full understanding and assessment of the proposals, and that the correct information has been provided in accordance with relevant policies. Failure on the part of the local planning authority to request appropriate information in relation to matters such as protected species, town centre policy etc, or to follow the correct procedures in considering such matters in accordance with local and national policy and legislation, ultimately leaves any decision at potential risk of legal challenge.
10. Applications are publicised in accordance with the Council's Statement of Community Involvement, and any decision to renotify or readvertise an application is at the discretion of the local planning authority. In this instance the decision to readvertise the application and extend the period for comments arose from a realisation that the basement car park had not been included in the description on the original publicity. As this is a new element of the revised scheme and constitutes operational development requiring planning permission in its own right, it was deemed necessary to revise the description to specifically include this element of the proposals and to allow further opportunity for public comment in the light of this information. Replacement site notices giving an extended publicity period have therefore been posted. I apologise that you were not notified of the decision to extend this period, however in the light of the concerns raised by highways and design officers and the need for additional details to be provided and considered, we would not have been in a position to determine the application before the Christmas break in any case, and as the local planning authority are obliged to consider any comments received up to the date that a decision is made, I therefore do not consider that the extension of the publicity period will have any impact in this respect.

I hope that this is of assistance in providing some clarification in response to the points you raise.

Phil Crabtree
Chief Planning Officer
City Development
The Leonardo Building
2 Rossington Street
LEEDS LS2 8HD

Tel: 01132 478 187

From: zareen@zendium-design.co.uk [<mailto:zareen@zendium-design.co.uk>]

Sent: 04 December 2014 14:59

To: Rann, Jillian; Butler, Steven

Cc: 'zeb.ahmed'; AHMED, Zeb; 'Zeb Ahmed'; 'nadeem.hanif@aspiringcommunities.org';
Nazarbat.Marroof@aspiringcommunities.org; [REDACTED]; Afaq; 'Oredecki, Adam'
Subject: Re: 49 Barkly Road, Beeston (14/06007/FU) - Concerns on the planning process

Dear Jill and Steve

Re: 49 Barkly Road, Beeston (14/06007/FU) - Concerns on the planning process

I have spoken to Adam Harvatt this morning with regards to the sequential test. He is also surprised not to have been consulted on this earlier as we have undertaken pre-application consultation with Leeds almost 2 years ago now and the initial application was one year ago and this did not surface. I am also in consultation with my client and the design team on this issue, as frankly this does feel like yet another additional barrier towards development for what is a scheme to benefit the local communities directly. Indeed this is a unique scheme that is embracing what central government is promoting:

<https://www.gov.uk/government/policies/bringing-people-together-in-strong-united-communities>

Further to this I have consulted with my colleagues and my client. My client, design team and I have serious concerns about the Local Authority's management of the planning process on this project. Our own experience as a professional team and that of the client's perspective has been a number of serious failures as described herewith:

1. Whilst we have undertaken a fee paying pre-application, over 2 years ago, none of the discussions or points noted at pre-application stage here have been taken in to account. Numerous issues and problems have become manifest in the actual planning process that we are now having to deal with. What was the point of the pre-application process?
2. There have been 4 changes of Highways officer dealing with this application and associated demands from each officer in light of these changes. The client has had to commission additional works and undertake numerous additional surveys to satisfy the same. Indeed our highways consultant is surprised at the questions based on the data provided to you from many standard benchmark databases.
3. The late request for bat scoping survey, despite the building not being within the bat corridor or within a highlighted bat area.
4. Requirement for sequential test midway through the planning submission triggered by the sports centre that has always been part of the scheme.
5. You have mentioned that the new planning policy P8 was adopted last month, however this is clearly after the submission of the application. Surely Leeds Council can't introduce retrospective planning policies following the submission of an application.
6. We would insist that the application is based on the policies that are in force at that time of submission of the actual application
7. The application has also been validated without the requirement for a sequential test.
8. We would also query the relevance of a sequential test in this instance as this is not a town centre scheme and the project is a blend of sports and community with educational use. There is not intention to remove or displace any business or trade from any other area.
9. We would respectfully question how many more additional reports, policies, drawings, analyses and tests will be required in order to allow Leeds planning to positively determine the scheme.
10. The failure of notification of the extension of consultation date has only become manifest through a search of the online planning system. We understand that this has been extended to 26th Dec 2014 now. Is this further evidence of playing for time? We actually only realised this through rumours that were noted from the client's community teams engaging with people on the street in the area. We have not been informed of the same.

This is putting the whole planning process in to doubt and questions the seriousness of the Local Authority as to support the proposed scheme even though our client has engaged in lengthy pre-planning, the actual planning process, extensive public consultations [with full and open invitations to the Local Authority to take part] and the on-going and seemingly unending requests for additional information. We must ask: Where will this end?

This email is to put our position on record, which we will assess again as the process is moved forwards. Again we are extremely disappointed with this latest turn of events despite our cooperative and positive attitude throughout the process. Once again this scheme is about integration and harmonisation of the local community. Is Leeds Council not supportive of this notion?

Your response to the above would be appreciated.

Regards

Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.

M: [REDACTED]

On 03 December 2014 at 16:12 "Rann, Jillian" <Jillian.Rann@leeds.gov.uk> wrote:

Dear Zareen,

I had a meeting yesterday with our retail/town centre planner, Adam Harvatt, to discuss the Barkly Road application and in particular the sports centre component. As sports centres are defined as a 'town centre use' in the National Planning Policy Framework he has confirmed that, in the light of the requirements of Policy P8 of the Leeds Core Strategy which was formally adopted by the Council last month, a sequential test is needed for this part of the development.

I have attached a copy of policy P8 and the supporting details for this policy (you can ignore the highlighting), together with a plan showing the town and local centres designated in the Core Strategy. As the sports centre is a town centre use not within an 'A' use class, part D of the table applies. Based on the gross floorspace of the sports centre (which includes changing/reception areas and equipment stores), the requirement is for a sequential assessment which needs to cover all of those designated centres and edge of centre locations that are within a 10 minute inbound drivetime of the site. Because the floorspace is less than 1500m², no impact assessment is needed in this instance.

If you have any questions regarding the scope or requirements for the sequential test, I would advise you to contact Adam in the first instance. He can be contacted on 0113 247 8120 or at adam.harvatt@leeds.gov.uk

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer
Planning and Sustainable Development

Leeds City Council

Tel: 0113 247 5518

Email: jillian.rann@leeds.gov.uk

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Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.



Rann, Jillian

From: zareen@zendium-design.co.uk
Sent: 05 January 2015 18:20
To: Rann, Jillian; Butler, Steven
Cc: [REDACTED] Nazarbat.Marroof@aspiringcommunities.org; Afaq; 'zeb.ahmed'; AHMED, Zeb; 'Zeb Ahmed'; 'nadeem.hanif@aspiringcommunities.org'; 'Oredecki, Adam'; info zendium
Subject: Re: 49 Barkly Road, Beeston (14/06007/FU) - Concerns on the planning process

Dear Jill

Firstly we would like to wish you, Steve, Nadir, our Highways Officer and Phil Crabtree a very Happy New Year. Thank you for organising the meeting on 15th Dec 2014 at Leeds Council offices with you, Nadir, Steve, my client and I. The team and I found it very useful and a positive step forwards for the scheme and the application.

We are undertaking a series of changes to the site plan, plans and elevations as a result of the comments made at the meeting. We will also be looking at the queries from highways, the travel plan and sourcing further information as required.

The client's team are also in parallel undertaking further consultations with key ward councillors and staff members to assist the council to clearly understand the scheme and the proposed benefits to the local community. For clarity if you or Steve would like to attend these further meetings, please don't hesitate to get in touch.

The client and Zeb in particular would like to thank you for the response received from Phil Crabtree of planning. We have duly overviewed his letter dated 18 Dec 2014 and, whilst we would obviously question certain points, we feel that overall his response is balanced and positive and trust that there are no misunderstandings remaining. Our client simply wanted the planning authority to know what a mountain of effort this project has been and how compliant we have been to all requests for further information. As stated we will update the proposal as discussed and continue with a transparent line of communication with you in order to expedite a positive decision. We trust that you and our current Highways Officer remain for the rest of the planning process!

When the project modifications have been concluded over the next week or so we will forward these for initial comments and then would like to organise a meeting with you and Nadir again to run through any final changes that need to be made. We anticipate that the plan drawings should be drafted by the middle of next week with a view to forwarding the other elevations and plans a week or so later. In the interim, should you have any further queries, please do not hesitate to contact us.

Kind regards

Zareen

On 04 December 2014 at 14:58 "zareen@zendium-design.co.uk" <zareen@zendium-design.co.uk> wrote:

Dear Jill and Steve

Re: 49 Barkly Road, Beeston (14/06007/FU) - Concerns on the planning process

I have spoken to Adam Harvatt this morning with regards to the sequential test. He is also surprised not to have been consulted on this earlier as we have undertaken pre-application consultation with Leeds almost 2 years ago now and the initial application was one year ago and this did not surface. I am also in consultation with my client and the design team on this issue, as frankly this does feel like yet another additional barrier towards development for what is a scheme to benefit the local communities directly. Indeed this is a unique scheme that is embracing what central government is promoting:

<https://www.gov.uk/government/policies/bringing-people-together-in-strong-united-communities>

Further to this I have consulted with my colleagues and my client. My client, design team and I have serious concerns about the Local Authority's management of the planning process on this project. Our own experience as a professional team and that of the client's perspective has been a number of serious failures as described herewith:

1. Whilst we have undertaken a fee paying pre-application, over 2 years ago, none of the discussions or points noted at pre-application stage here have been taken in to account. Numerous issues and problems have become manifest in the actual planning process that we are now having to deal with. What was the point of the pre-application process?
2. There have been 4 changes of Highways officer dealing with this application and associated demands from each officer in light of these changes. The client has had to commission additional works and undertake numerous additional surveys to satisfy the same. Indeed our highways consultant is surprised at the questions based on the data provided to you from many standard benchmark databases.
3. The late request for bat scoping survey, despite the building not being within the bat corridor or within a highlighted bat area.
4. Requirement for sequential test midway through the planning submission triggered by the sports centre that has always been part of the scheme.
5. You have mentioned that the new planning policy P8 was adopted last month, however this is clearly after the submission of the application. Surely Leeds Council can't introduce retrospective planning policies following the submission of an application.
6. We would insist that the application is based on the policies that are in force at that time of submission of the actual application
7. The application has also been validated without the requirement for a sequential test.
8. We would also query the relevance of a sequential test in this instance as this is not a town centre scheme and the project is a blend of sports and community with educational use. There is not intention to remove or displace any business or trade from any other area.
9. We would respectfully question how many more additional reports, policies, drawings, analyses and tests will be required in order to allow Leeds planning to positively determine the scheme.
10. The failure of notification of the extension of consultation date has only become manifest through a search of the online planning system. We understand that this has been extended to 26th Dec 2014 now. Is this further evidence of playing for time? We actually only realised this through rumours that were noted from the client's community teams engaging with people on the street in the area. We have not been informed of the same.

This is putting the whole planning process in to doubt and questions the seriousness of the Local Authority as to support the proposed scheme even though our client has engaged in lengthy pre-planning, the actual planning process, extensive public consultations [with full and open invitations

to the Local Authority to take part] and the on-going and seemingly unending requests for additional information. We must ask: Where will this end?

This email is to put our position on record, which we will assess again as the process is moved forwards. Again we are extremely disappointed with this latest turn of events despite our cooperative and positive attitude throughout the process. Once again this scheme is about integration and harmonisation of the local community. Is Leeds Council not supportive of this notion?

Your response to the above would be appreciated.

Regards

Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.

M: [REDACTED]

On 03 December 2014 at 16:12 "Rann, Jillian" <Jillian.Rann@leeds.gov.uk> wrote:

Dear Zareen,

I had a meeting yesterday with our retail/town centre planner, Adam Harvatt, to discuss the Barkly Road application and in particular the sports centre component. As sports centres are defined as a 'town centre use' in the National Planning Policy Framework he has confirmed that, in the light of the requirements of Policy P8 of the Leeds Core Strategy which was formally adopted by the Council last month, a sequential test is needed for this part of the development.

I have attached a copy of policy P8 and the supporting details for this policy (you can ignore the highlighting), together with a plan showing the town and local centres designated in the Core Strategy. As the sports centre is a town centre use not within an 'A' use class, part D of the table applies. Based on the gross floorspace of the sports centre (which includes changing/reception areas and equipment stores), the requirement is for a sequential assessment which needs to cover all of those designated centres and edge of centre locations that are within a 10 minute inbound drivetime of the site. Because the floorspace is less than 1500m², no impact assessment is needed in this instance.

If you have any questions regarding the scope or requirements for the sequential test, I would advise you to contact Adam in the first instance. He can be contacted on 0113 247 8120 or at adam.harvatt@leeds.gov.uk

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518
Email: jillian.rann@leeds.gov.uk

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Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.



Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.



Brook, Richard

From: Dmoch, Andrew
Sent: 09 January 2015 17:13
To: Oredecki, Adam
Cc: Rann, Jillian; zareen@mimararchitecture.com; Department of Planning
Subject: RE: Planning Application 14/06007/FU Barkly Road Leeds

Follow Up Flag: Follow up
Flag Status: Completed

Adam

My response addresses the issues in the same order as the items raised in your letter dated 9 December 2014.

Continuity

I can assure you that the fact that I am the 4th officer dealing with this site will not affect how the new application is assessed.

I have reviewed the previous documents and correspondence and discussed the previous application with Michael Norcliffe.

You will appreciate that officers who dealt with the previous application have left this department or (as is the case with Michael) now review applications in different parts of Leeds.

Accessibility and Vehicle Access

Comments noted

Internal Layout

I am concerned that the proposed coning-off of parking spaces would not work in practice.

If a few spaces were affected in one part of the car park this may be appropriate but the vehicle tracking shows this affects several clusters of spaces throughout the car park.

I am concerned that if a refuse vehicle arrives the driver will reverse in off Barkly Road rather than attempt to negotiate the car park.

Alternatively the driver may park on Barkley Road and wheel the bins out.

Could you look at revising the layout to provide a wider aisle for service vehicles?

The alternative is a condition to restrict servicing to quite times of the day – this would need to be agreed once the traffic generation is agreed.

Traffic Impact –Concurrent Uses

I don't see how your suggested obligation would be any different from a condition in terms of the effectiveness of monitoring/ control.

A joint meeting with the planning officer would be helpful to discuss this issue.

Given the range of predictions about peak worshippers at Friday prayer time, you will also need to address my concerns about how worshipper numbers would be restricted to 250.

Your letter does not explain how demand would be restricted.

Analysis – Friday Prayers

I have explained the reasons for the use of the 50% modal split in the Freedom of Information Act response. The 60% figure was a sensitivity test to see the impact of a slightly higher modal share.

As you are aware this is a standard approach when there is uncertainty in predicting traffic.

As explained in the FOIA response, evidence indicates that many Friday Prayer visits are by car with a single occupant.

There is also uncertainty over the number of worshippers based on your previous estimates so I consider it reasonable to highlight the impact of up to 400 worshippers.

Analysis – Sunday Community Use

I disagree that I questioned whether the Hall could be used as genuine community facility.

I simply pointed out that the information provided did not explain how this would generate demand for up to 250 visitors.

I went on to state that subject to further information and a condition this would be acceptable.

The concern is that at weekends and evenings there will be fewer available on-street spaces.

The events described in your letter do not appear to be of a scale that would generate that many visitors.

We could also discuss this at the meeting with Jillian.

In the meantime it would be helpful if you could forward examples of these community events, whether in Leeds or elsewhere, so I can look at patronage levels.

Parking and Travel Plan

Comments noted

Regards

Andrew Dmoch
Transport Development Services
Leeds City Council
Tel. 0113 3950501

www.leeds.gov.uk

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From: Dmoch, Andrew
Sent: 07 January 2015 12:03
To: 'Oredecki, Adam'
Cc: Rann, Jillian; zareen@mimararchitecture.com
Subject: RE: Planning Application 14/06007/FU Barkly Road Leeds

Adam

I'm preparing a response to your letter which will be with you by the end of this week.

I suggest you digest this and then we can arrange the meeting if you consider it is still required

Regards

Andrew Dmoch
Transport Development Services
Leeds City Council
Tel. 0113 3950501

www.leeds.gov.uk

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From: Oredecki, Adam [<mailto:Adam.Oredecki@amey.co.uk>]
Sent: 07 January 2015 11:52
To: Dmoch, Andrew
Cc: Rann, Jillian; zareen@mimararchitecture.com
Subject: Planning Application 14/06007/FU Barkly Road Leeds

Andrew,

We refer to Planning Application 14/06007/FU. Further to the consideration of the Transport Development Services highway consultation response to the application we submitted our response (attached) to the Local Planning Authority 9th December 2014. Within our response we also made a request under the Freedom of Information Act (FOI). We have now received correspondence from the Council's Legal Department concerning the FOI.

In respect of our correspondence of 9th December 2014, to which we have not had a formal response, apart from the FOI, and in light of the FOI correspondence I would wish to arrange a meeting with you to discuss amongst others the matter of a sustainable modal share (50% as mentioned in the FOI correspondence) and the effect of Planning Obligations to control land uses and subsequent occupancy levels.

Jill – as the use of Planning Obligations is a planning matter it would be beneficial if you would also be able to attend. As mentioned in our response (attached) the applicant is willing to enter into appropriate Planning Obligations to control land uses/occupancy. It would also be beneficial to obtain an opinion from the Local Planning Authority as to whether such Planning Obligations would be entertained as part of the management strategy for the site in respect of controlling uses/occupancies.

I will be available to meet at the Leonardo Building on the following dates:
Tuesday 13th Jan – pm
Monday 19th Jan
Tuesday 20th Jan

If the above dates are not convenient would you suggest alternative dates?

I look forward to hearing from you.

Regards
Adam

Adam Oredecki
Principal Transport Planner | Consulting & Strategic Infrastructure
Amey

t: 0113 2810458 | m: [REDACTED] | e: adam.oredecki@amey.co.uk
Unit 2A | Antler Complex | Bruntcliffe Way | Morley | Leeds | LS27 0JG



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Brook, Richard

From: zareen@zendium-design.co.uk
Sent: 28 January 2015 11:51
To: Rann, Jillian
Cc: zeb.ahmed (zeb.ahmed@aspiringcommunities.org); Butler, Steven; Cyhanko, Ian; Afaq; Nazarbat.Marroof@aspiringcommunities.org; [REDACTED]; 'nadeem.hanif@aspiringcommunities.org'; 'Oredecki, Adam'
Subject: Re: 49 Barkly Road, Beeston - Planning application

Dear Jillian

Obviously the client team and I are sorry to see you go. We hope that the positive momentum with Leeds Council will continue with Cyhanko.

We are presently working on the remaining information requested, the updated plans and elevations, the sequential test and the highways information.

Cyhanko, please feel free to contact myself or my colleague Afaq should you wish to discuss the application with us.

We thank you for your commitment on this project and wish you all the best for the future.

Kind regards

Zareen

On 28 January 2015 at 10:44 "Rann, Jillian" <Jillian.Rann@leeds.gov.uk> wrote:

Dear Zareen,

Hope you are well. I am contacting you to let you know that I will shortly be leaving the south area team to take on a new role in the Council's Housing Growth team. As this will involve a considerable amount of new work, I have reviewed my workload with my managers in the last couple of days and it has been decided that most of my ongoing cases, including the Barkly Road application, will be reallocated to other officers after I leave the team at the end of this week.

The Barkly Road application will therefore now be taken forward by my colleague Ian Cyhanko. I appreciate that the change of officer may cause you some concern given the history of the site and my extensive involvement to date, but we have taken steps to ensure that this transition is as smooth as possible. Steve Butler, who has been closely involved in the application and in recent discussions, will retain an oversight of the application as the Area Planning Manager for the area. I had a detailed handover meeting with Ian and Steve yesterday to go through the current scheme, the history of the site, the discussions we have had to date and the outstanding issues and additional information that we are awaiting from you following recent meetings. I have also written a detailed handover note summarising these points for Ian to refer to, and will ensure that all relevant correspondence is available to him. I understand that he has also been out to have a quick look around the area and familiarise himself with the site. Although I am moving to a different team and will no longer be involved with the day-to-day handling of the application, I will still be in the same building and available to discuss any queries that may arise with Ian as he takes the case forward.

I have copied Ian and Steve in for information, and so that you have Ian's contact details. Once you're in a position to submit the revised drawings and additional highways information and sequential test details etc, please send these to Ian as the new case officer. I would also appreciate it if any future correspondence could be directed to Ian in the first instance.

I hope this is helpful in terms of explaining the handover process, but if you have any questions about this I will be around all day today and first thing tomorrow morning if you would like to give me a call to discuss.

Kind regards,

Jill

Jill Rann MSc MRTPI
Principal Planning Officer
Planning and Sustainable Development
Leeds City Council

Tel: 0113 247 5518

Email: jillian.rann@leeds.gov.uk

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B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.

M: [REDACTED]



Planning Services

Leonardo Building
2 Rossington Street
Leeds LS2 8HD

Mimar Architecture - Mr Zareen Rahman
Peak House
6 Oxford Road
Altrincham
Cheshire
WA14 2DY

Ask for: Mr Ian Cyhanko
Direct Line: 0113 2474461
Central Switchboard: (0113) 2224444
Application Number: **14/06007/FU**
Date: 1 April 2015

REQUEST FOR AN EXTENSION OF TIME OF THE DECISION PERIOD

For: Mixed use development comprising sports hall, teaching, prayer and community facilities and associated offices and ancillary facilities and creation of basement car park; change of use of office building for temporary community use during building works

At: 49 Barkly Road, Leeds, LS11 7EW

Dear Sir/Madam,

I am writing to request your agreement in writing to an extension of time to the period to make a decision on your application. We had aimed to make a decision by 1 April 2015, however we need more time to determine the application due to the following reason(s).

To allow the applicants further time to submit revised plans and submit a sequential test.

Could you please email ian.cyhanko@leeds.gov.uk, or write to the address above as soon as possible confirming your agreement to extend the period to 31 May 2015.

Yours faithfully

Martin Sellens
Head of Planning Services

From: [Chris](#)
To: [CIL](#)
Subject: Re: CIL forms Barkly Road
Date: 02 April 2015 12:16:40

Hi

I asked the architect for the figures last week and that's what he sent me. the scheme has been revised multiple times since its submission, so please take the latest figures as being correct.

As regards relief, as I said in my covering email, the proposed use is one clearly identified as being a 'nil' rate. In my experiences over the last three years with CIL regimes, that means there is no requirement for an exemption.

Just trying to save you (and me) time and paperwork

Chris

On 2 Apr 2015, at 11:00, CIL <CIL@leeds.gov.uk> wrote:

Chris,

Thanks for your completed CIL form. However, I do have a few clarifications needed please.

- a) Qu 6c - can you confirm the floorspace for the existing GIA of 3249 sqm, as the planning application forms shows this as 3186 sqm.
 - b) Qu 6c - can you confirm whether the existing floorspace is all to be demolished as 6c shows some remaining but the application form shows all to be demolished.
 - c) Qu 6c - can you confirm the correct new build floorspace of 2954 sqm, as the planning application form shows this as 2620 sqm.
- If there are any changes to the above please can you submit a revised CIL Additional Questions Form.

- d) Finally, please can you provide detailed evidence that the development will comprise "Development by a predominantly publicly funded or not for profit organisation" in order for it to attract a zero rated CIL charge? It may be that submitting the CIL exemption form for charities is the simplest way of demonstrating this.

If you have any questions please give me a call,

Regards

Lora

Lora Hughes
Principal Planner
Forward Planning and Implementation
Leeds City Council, The Leonardo Building, 2 Rossington Street, Leeds, LS2 8HD
Tel: 0113 39 50714

-----Original Message-----

From: Chris [[mailto:](#)]
Sent: 01 April 2015 20:09
To: CIL
Subject: Cil forms Barkly Road

Please find the completed forms. The proposed use appears to be of a type that is exempt, so there appears to be no need to do an exemption form for the applicant being a charity.

regards

Chris Weetman

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Brook, Richard

From: Dmoch, Andrew
Sent: 03 March 2015 16:02
To: 'Oredecki, Adam'
Cc: Cyhanko, Ian
Subject: RE: 49 Barkly Road, Beeston - Planning application

Adam

The highway authority considers that there is a significant likelihood that there will be more than 250 worshippers based on the information submitted.

I have set out the reasons in previous emails.

Unless a way forward can be found to restrict numbers that is acceptable and enforceable in planning terms we will maintain our concern.

Regards

Andrew Dmoch
Transport Development Services
Leeds City Council
Tel. 0113 3950501

www.leeds.gov.uk

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From: Oredecki, Adam [<mailto:Adam.Oredecki@amey.co.uk>]
Sent: 03 March 2015 12:15
To: Dmoch, Andrew; Cyhanko, Ian
Cc: zareen@mimararchitecture.com; zareen@mimararchitecture.com; afaq@mirmararchitecture.com; 'AHMED, Zeb' (Zeb.AHMED@bouygues-es.co.uk); [REDACTED]
Subject: RE: 49 Barkly Road, Beeston - Planning application

Andrew, Ian

As the application has a deadline of end of March and further to our emails of 12th Feb and 25th Feb 2015 we would now be pleased to receive your responses to the matters raised. Again we reiterate that the number of worshippers for Friday prayers is 250 and that uses and numbers can be controlled through accepted, tried and tested planning mechanisms – S106, planning obligations.

Thank you.

Regards,

Adam Oredecki

Principal Transport Planner (Road Safety) | Consulting & Strategic Infrastructure
Amey

t: 0113 2810458 | m: [REDACTED] | e: adam.oredecki@amey.co.uk
Unit 2A | Antler Complex | Bruntcliffe Way | Morley | Leeds | LS27 0JG



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From: Oredecki, Adam

Sent: 25 February 2015 14:23

To: Andrew.Dmoch@leeds.gov.uk

Cc: Ian.Cyhanko@leeds.gov.uk; zareen@mimararchitecture.com; zareen@mimararchitecture.com;

'afaq@mimararchitecture.com'; 'AHMED, Zeb' (Zeb.AHMED@bouygues-es.co.uk); [REDACTED]

Subject: FW: 49 Barkly Road, Beeston - Planning application

Andrew,

Further to our email of 12 February 2015 we would be pleased to receive your comments concerning the acceptability of the 250 worshippers for Friday prayer.

Regards,

Adam

Adam Oredecki

Principal Transport Planner (Road Safety) | Consulting & Strategic Infrastructure
Amey

t: 0113 2810458 | m: [REDACTED] | e: adam.oredecki@amey.co.uk
Unit 2A | Antler Complex | Bruntcliffe Way | Morley | Leeds | LS27 0JG



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From: Oredecki, Adam

Sent: 12 February 2015 16:46

To: 'Dmoch, Andrew'

Cc: Cyhanko, Ian; 'Mohammed Afaq'; 'AHMED, Zeb' (Zeb.AHMED@bouygues-es.co.uk); zareen@Zendium-design.co.uk; zareen@mimararchitecture.com

Subject: RE: 49 Barkly Road, Beeston - Planning application

Andrew

Thank you for your email.

We appreciate that the highway authority has to evaluate the impact of developments in case of scrutiny in the event that problems materialise but it also has to carry out its appraisal having due regard to planning protocol.

We refer again to the meeting held 29th February 2014 concerning the previous proposals with Jillian Rann and Steve Butler from where the 400 worshippers were derived which was based on GFA. The 400 was the Council's figure and not the applicants and this appears to be where confusion arises. To clarify there was never a separate figure for demand and capacity; the 400 was used for both which was based on GFA as discussed at the 29th Feb 2014 meeting.

The current application has followed exactly the same protocol as with the withdrawn application by deriving numbers of worshippers based on GFA. In our email we asked whether you had spoken to Jillian Rann and Steve Butler as to how the original 400 was derived and whether your response was based on further discussions with your legal department regarding the use of Planning Obligations. As you have not responded directly to these questions we can only assume that you did not discuss these matters and or seek clarification. We would therefore ask again whether in the preparation of your responses did you seek clarification with Jillian Rann and Steve Butler concerning the 400 and the use of Planning Obligations to control land uses?

You state that based on the current submitted information available that worshippers will exceed 250+ and that 400 worshippers could arrive. Whilst the documentation submitted for the withdrawn application made reference to 400, all documentation submitted for the current planning application makes no reference to 250+ or indeed 400 worshippers. We would therefore be grateful if you would be able to direct us to the relevant documentation, submitted for the current application, where it is specified that 250+/400 worshippers will arrive.

We would also draw your attention to our pre-application discussions with Mike Norcliffe where traffic generation for the Friday prayer would be based on level of occupancy.

We disagree with you that you do not consider that public concerns will be inflamed by technical comments as these are not published or subject to freedom from information. I refer to the architects email to your earlier today pointing out that the extent to which the applicant has consulted with stakeholders. Public opinion will be inflamed and if you are still adamant that the number of worshippers will exceed 250+/400 then we will have no alternative but to disclose this to the community, ward members, Planning Panel and inform them that this is not the applicant's figure but the Highway Authority's figure. We have in the past obtained information concerning technical comments under FOIAAct when such details are of material relevance to the consideration of planning applications and planning appeals.

Throughout the pre-planning application stage the demand/occupancy for Friday prayers has been based on how many persons could be accommodated within the prayer hall. This is consistent with the approach for the withdrawn application. The former application being 400; the current application being 250. No documentation submitted by the applicant exist's that states that the current proposal will have 400 worshippers attending Friday prayer. What appears to be happening is that you are applying a figure (400) that was derived for a completely different development and then measuring the current proposal against this figure. Unless you divorce yourself from the previous application (400) and all documentation which has been withdrawn there will always be an impasse. There is also the planning matter of material relevance in using documentation that has been withdrawn from the planning application process and using it to determine a new application with a completely different development.

The way forward is simple.

1. As aforementioned above the number of worshippers for the prayer hall for the withdrawn scheme was set by using GFA as discussed at the 29th Feb 2014 meeting. Based on the GFA it would have been possible to accommodate 400 worshippers. The 400 figure was then used as a value to determine traffic generation for the Friday prayer. The 400 was a value for both demand and capacity. No separate value for demand was ever requested by either planning or highway authority. As the 400 related to a completely different scheme and a withdrawn planning application the 400 worshippers can be discarded as it is of no relevance to the current proposal particularly as the development itself has changed significantly.
2. The previous application was withdrawn and replaced by a community centre to meet the needs of the local community. Following the same protocol in deriving the number of worshippers based on GFA results in 250 worshippers. The traffic generations for Friday prayers are then based on the 250 which in turn derives car parking demand. This is consistent with the previous approach.

3. The uses within the building are then subject to a Planning Obligation enforceable under court injunction. As you will be aware the applicant has already confirmed acceptance for the use of a Planning Obligation.
4. A Travel Plan is prepared as part of a S106 agreement within which there are monitoring regimes and in the event of any future problems a Residents Parking Permit Scheme would be implemented at cost to the applicant. As this is a local community facility any problems created would be attributable to the community itself.

In order to progress the application we require confirmation that you are content with the above approach and we trust that you will discuss the matter with the planning officer prior to responding. Based on the above we consider that this approach would withstand scrutiny and challenge at any planning appeal.

We note that you are on leave next week but as the Council is a public service provider we expect the same delivery of service.

Regards,

Adam Oredecki

Principal Transport Planner (Road Safety) | Consulting & Strategic Infrastructure
Amey

t: 0113 2810458 | m: [REDACTED] | e: adam.oredecki@amey.co.uk
Unit 2A | Antler Complex | Bruntcliffe Way | Morley | Leeds | LS27 0JG



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From: Dmoch, Andrew [<mailto:Andrew.Dmoch@leeds.gov.uk>]

Sent: 12 February 2015 12:48

To: Oredecki, Adam

Cc: Cyhanko, Ian

Subject: RE: 49 Barkly Road, Beeston - Planning application

Adam

I appreciate your concern about the progress of the application but having reviewed the information submitted there is clearly uncertainty about the traffic that will be generated by this proposal.

(You will be aware this has also been raised by other highway officers in relation to the previous submission).

I believe that there also appears to have been confusion on the difference between capacity and demand.

The highway authority have a duty to carefully consider the impact of developments and would be rightly criticised if they did not fully scrutinise predicted traffic generation if problems subsequently materialised.

Regarding the meeting you refer to, I have outlined my concerns in the 9th February 2015 email regarding the range of estimates between 250 and 400 so will not revisit this.

However, for the avoidance of doubt, based on the submitted information I am concerned that there is :

- a) a significant risk that worshippers at Friday prayers would exceed 250
- b) presently no mechanism identified in planning terms that would address the situation if 400 worshippers arrived with many travelling by car

Put simply, the prayer room has been reduced in size whereas a submission previously stated that demand was for 400 worshippers. A large hall will be vacant during Friday prayer. I am not saying that there are plans to use the hall for prayers but if there were a large number of arrivals, I could understand if it were used as a waiting / overspill area.

I don't believe public concerns would be inflamed by technical highway comments - in any event they have not been published or subject to a freedom of information request.

I am on leave next week but will speak to Ian before then about how we can swiftly move matters forward .
However, I would also welcome your thoughts on ways of addressing the matters raised.

Regards

Andrew Dmoch
Transport Development Services
Leeds City Council
Tel. 0113 3950501

From: Oredecki, Adam [<mailto:Adam.Oredecki@amey.co.uk>]
Sent: 12 February 2015 11:03
To: Dmoch, Andrew
Cc: 'AHMED, Zeb' (Zeb.AHMED@bouygues-es.co.uk); zareen@Zendium-design.co.uk; zareen@mimararchitecture.com; Affaq; Cyhanko, Ian
Subject: RE: 49 Barkly Road, Beeston - Planning application

Andrew,

Further to our email of 9th February 2015 we have discussed the matter further with the applicant and applicant's agent. Collectively, we are extremely concerned that you are dictating the applicant's accommodation schedule/occupancy levels which will inevitably inflame public concerns.

In your email you state that you consider that there will be significantly more worshippers attending the Friday prayer than expected by the applicant. Again we reiterate that the current application constitutes a different concept than the previous application in terms of mass of building, floor GFAs and uses. During pre-application discussions with planning, Ward Councillors and the community through public consultation/meetings, in order to appease local issues, the development was significantly reduced in terms of GFA including concept i.e. a local facility. We also would draw your attention to the meeting held 29th January 2014 with Jillian Rann and Steve Butler concerning occupancy. If you are now saying that you do not accept a maximum occupancy of 250 and expect 250+/400 we then need this in writing from you so that we can inform ward members, the community and Planning Panel that the level of occupancy is not the applicants figure but your figure.

As you have made the statement that you consider that more than 250+ will attend the Friday prayer you would have obviously carried out an assessment to arrive at this conclusion. We therefore require justification from you as to why you expect there to be more than 250 persons attending the Friday prayer.

The issue of the 250 worshippers for Friday prayer is now delaying the progression of issue of all other documentation/information. We therefore insist upon an immediate response from you concerning the occupancy level for Friday prayers.

This email has been copied to the Planning Officer.

Regards,

Adam Oredecki
Principal Transport Planner (Road Safety) | Consulting & Strategic Infrastructure
Amey

t: 0113 2810458 | m: [REDACTED] | e: adam.oredecki@amey.co.uk
Unit 2A | Antler Complex | Bruntcliffe Way | Morley | Leeds | LS27 0JG



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From: Oredecki, Adam
Sent: 09 February 2015 17:14
To: 'Dmoch, Andrew'
Cc: 'AHMED, Zeb' (Zeb.AHMED@bouygues-es.co.uk); zareen@Zendium-design.co.uk; zareen@mimararchitecture.com; Affaq; Cyhanko, Ian
Subject: RE: 49 Barkly Road, Beeston - Planning application

Andrew, Ian

The current application constitutes a different concept than the previous application. As stated earlier in our email of 29th January 2015 the previous development proposal was for a much larger prayer hall which was to be utilised for both Friday prayer and larger events. The floor proposed floor area for the prayer facility was 483sqm. During the meeting held 29th January 2014 (attended by Aspiring Communities, Jillian Rann, Steve Butler, the architect and representatives from Amey) the matter of occupancy was discussed. Based on the proposed floor area the Planning Authority had concerns that the proposed floor area could accommodate more worshippers than the applicant was proposing. The Planning Authority insisted using a maximum possible number that could be within the prayer hall at any given time based on the proposed floor area. This is how the occupancy of 400 was derived. The 400 was never the applicants figure for Friday prayer it was the Councils based solely on GFA. In compiling your email of 9th February 2015 did you check with Jillian Rann and Steve Butler the context of the 29th January 2014 meeting as to how the 400 was derived? The applicant has followed the same process which the Council applied. The figure of 400 in the previous application was put forward based on the Council's requirements. For consistency the same approach has been adopted for the current planning application. If the highway authority / planning authority do not now accept this approach we require clarification as to its "change of mind".

In respect of the issue of restricting uses / occupancy this can be achieved through Planning Obligations/Unilateral Obligations (private agreement between Leeds City Council and the applicant) which is a legal agreement enforceable by Court Injunction and is registered as a land charge. This was discussed during our meeting and Jillian agreed to pass the matter through the Council's Legal Department. From your email it is unclear whether such advice has been received from your legal colleagues. Again in your email of 9th February 2015 response did you take into account your legal colleagues advice which Jillian sought to seek? If yes we would be grateful if you would forward this advice for our further consideration.

In your email you state that even if the Hall was not used it could be used as a waiting room if the prayer room is at capacity. Friday prayers would only take place at a single time period so this situation would not occur.

We note that you state that you would have greater comfort if the Hall was available for use during Friday prayers. Assuming that the two uses ran concurrently, based on the current floor area 53 car parking spaces would be required for the hall using UDP car parking standards (1 space / 22 sqm GFA) plus 125 parking spaces for the prayer facility utilising the Preston planning appeal modal share value of 50% for 250 worshippers (value derived from the Council's own approach). This would equate to 178 spaces. If this level of on-site car parking could be provided would the local highway authority be in a position to support this level together with or without the aforementioned planning obligations/unilateral obligations and or suitable planning conditions?

In your email you state [I note that there are many examples where Friday prayers are held in the same building with concurrent secular uses.](#)

[Could you seek clarification from your client on this point?](#) In order to respond to your query we require details of the examples that you have referred to as there will be specific reasons why different uses have taken place concurrently.

In summation:

- 250 worshippers for Friday prayer has been derived in accordance with the previous approach as required by the Council. We see no reason why the applicant should increase this number as the applicant has adopted the same approach for derivation of worshippers as discussed at the 29th January 2014 meeting .
- Should the hall and Friday prayers run concurrently 178 car parking spaces would be required based on UDP car parking standards and the Planning Appeal decision from the Preston planning appeal.
- Occupancy / restriction on land uses can be controlled by Planning Obligations/Unilateral Obligations – Leeds City Council has its own literature on the matter.

Regards

Adam Oredecki

Principal Transport Planner (Road Safety) | Consulting & Strategic Infrastructure
Amey

t: 0113 2810458 | m: [REDACTED] | e: adam.oredecki@amey.co.uk
Unit 2A | Antler Complex | Bruntcliffe Way | Morley | Leeds | LS27 0JG



From: Dmoch, Andrew [<mailto:Andrew.Dmoch@leeds.gov.uk>]
Sent: 09 February 2015 14:47
To: Oredecki, Adam
Cc: Cyhanko, Ian
Subject: RE: 49 Barkly Road, Beeston - Planning application

Adam

The additional information in your 29 January 2015 email doesn't allow me to remove my concern about the 250 figure.

Your assertion of how the 400 worshipper limit was derived doesn't accord with my understanding having gone through the previous application documents and correspondence.

The February 2014 TA explains that the 400 figure is a worst case based on the several factors – namely the applicant's experience of designing similar facilities, census data and existing mosques.

As I explained, my concern is that the current application TA states that the 250 worshippers figure is based on the capacity of the hall whereas there is a significant risk that demand will be higher.

I don't accept your census data analysis as it significantly underestimates demand:

- Previous submissions stated that many Friday lunchtime prayer visits are directly from work (indeed you note that at an existing mosque 28% travel directly from work).
I cannot see why you have then removed all full-time workers from your calculation.
- The previous application referred to 75% of worshippers coming from outside the local catchment. Many of these would be car-borne.

I therefore still consider that (a) there is potential for more than 250 worshippers at Friday prayers, and (b) there is a risk of the Sports Community Hall being used for prayers if demand exceeded the prayer room capacity. Even if the Hall was not used for prayers, it could be used as a waiting area if the prayer room is at capacity.

I would have greater comfort if the Hall was available for use during Friday prayers.

At the recent meeting you said that it was your understanding that it was for religious reasons that the Community/ Sports Hall could not be used at the same time as Friday prayers.

However, I note that there are many examples where Friday prayers are held in the same building with concurrent secular uses.

Could you seek clarification from your client on this point?

Regards

Andrew Dmoch
Transport Development Services
Leeds City Council
Tel. 0113 3950501

From: Oredecki, Adam [<mailto:Adam.Oredecki@amey.co.uk>]
Sent: 06 February 2015 13:51
To: Dmoch, Andrew
Cc: Cyhanko, Ian; zareen@Zendium-design.co.uk; zareen@mimararchitecture.com; Affaq
Subject: RE: 49 Barkly Road, Beeston - Planning application

Andrew,

Further to our email of 29 January 2015 are highways now in a position to accept the 250 maximum occupancy for Friday prayers. As soon as this figure has been confirmed we can then issue the Travel Plan as per Jillian Rann's requirements, finalise the sequential test and design of the development and discuss further suitable measures for controlling the uses. This brings me to my next question. During our meeting, Jillian mentioned that she would pass the Preston unilateral obligation (restrictions on occupancy, uses and times) through to the Council legal department for comments. We were wondering if any comments have been received.

We understand that the application process is due to expire in April. Jill mentioned that any new scheme drawings may have to be put out to public consultation again. As the applicant and team require ample time to put together all necessary planning application documentation/drawings etc we would welcome your acceptance/comments regarding the 250 occupancy as this dictates the nuances of the development and to avoid any delays, 11th hour rushing to submit documentation etc.

Regards,
Adam

Adam Oredecki
Principal Transport Planner (Road Safety) | Consulting & Strategic Infrastructure
Amey

t: 0113 2810458 | m: [REDACTED] | e: adam.oredecki@amey.co.uk
Unit 2A | Antler Complex | Bruntcliffe Way | Morley | Leeds | LS27 0JG



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From: Oredecki, Adam
Sent: 29 January 2015 15:05
To: Andrew.Dmoch@leeds.gov.uk
Cc: 'Ian.Cyhanko@leeds.gov.uk'
Subject: 49 Barkly Road, Beeston - Planning application

Andrew,

Further to our meeting of 19th January 2015 we have discussed the matter of occupancy for the Friday prayer with Aspiring Communities and have inspected our file records to establish how the previous 400 worshippers for Friday prayers was derived.

The previous development proposal was for a much larger prayer hall which was to be utilised for both Friday prayer and larger events. The floor proposed floor area for the prayer facility was 483sqm. During the meeting held 29th January 2014 (attended by Aspiring Communities, Jillian Rann, Steve Butler, the architect and representatives from Amey) the matter of occupancy was discussed. Based on the proposed floor area the Planning Authority had concerns that the proposed floor area could accommodate more worshippers than the applicant was proposing. The Planning Authority insisted using a maximum possible number that could be within the prayer hall at any given time based on the proposed floor area. This is how the occupancy of 400 was derived. The 400 was never the applicants figure for Friday prayer it was the Councils based solely on GFA.

The current proposal has introduced a reduced gross floor area for the prayer facility; now being 343sqm GFA. Following the same methodology based on prayer mat size, building design, circulation areas and building control requirements it is only physically possible to provide for a maximum capacity of 250 persons for Friday prayers.

In answer to your question raised during our meeting as to why the number of attendees for Friday prayers had reduced from 400 to 250 the answer is quite simple. At the request of the Council the level of occupancy for the previous application was calculated on how many people could be in the prayer hall at any give time based on floor area which equated to 400. Applying this methodology to the current proposal the maximum capacity if 250 for Friday prayers. With the change in development concept as a local facility the site will not facilitate funerals / weddings / large events.

We trust that the above clarifies the reason regarding the difference in levels of occupancy for Friday prayer.

To assist you further as we have discussed using a modal share of 50% for car travel taken from the Preston Planning Appeal it is therefore considered reasonable to give due regard to the evidence based data that was submitted to the Planning Inspectorate. Surveys were carried out over a period of 5 weeks to obtain details of journey origins to the Friday prayer. From the surveys it was revealed that attendees at Friday prayer had three types of journeys – journey from home; work related journey from home to work and journey from outside the area to the prayer facility. Of material significance is that the GFA dictated the level of attendees. The figures revealed that 67% were home related journeys; 28% work related and 5% journey from outside the area. Using this protocol against a maximum capacity of 250, 167.5 persons would travel from home; 70 would travel on a work related journey from home; whilst 5% (12.5) could be expected to travel to the prayer facility from outside the area. Similarly, a percentage of the existing Muslim population within the Ward would be expected to travel to other Mosques and would not visit the proposed prayer facility. These figures correlate to census data for the Ward area:

What does the census data tell us:

Population: 22187

Muslim population of total population = 2077 or 9.36%

Number of Muslim males assuming 50% = 1038

Student population = 1160 of which 9.36% are Muslim = 108 of which 50% are male = 54

Employed (full time) 70.1% of population = 727 (assumed all male)

Population Distribution

0 to 4 years 187

5 to 15 years 2,988

16 to 19 years 1,095

20 to 29 years 3,659

30 to 44 years 4,914

44 to 59 years 3,487

60 to 64 years 1,029

65 to 74 years 1,432

75 to 84 years 1,038

85 to 89 years 236

90 years plus 138

Elderly (85+): 1.68% of population

Taking the above census data into account it can therefore be assumed that the total number of persons able to attend Friday prayer is 1038-54 (students)-727(full time workers) = 257 from the community

If we take the 2,077 (total Muslim population) and exclude females (do not attend), students and those that are employed (full time) based solely on the local population this would give a total number of 257 persons able to attend the Jumaah/Friday prayers. Using a 50% modal share would equate to 128 vehicles. Assuming a 60% modal share would equate to 154 vehicles thus demonstrating that the proposed parking provision is appropriate for the use. In terms of person numbers whilst there is a demand for 257 this would not occur for a number of reasons; primarily due to the presence of other mosques in the area, the findings of the submissions to the Preston planning appeal in that the GFA dictates attendance and that not all attend the Friday prayer i.e. the elderly (6.37% of residents in the Ward are 75years+) may be unable to attend.

In order to progress with the consideration of the application we would welcome your confirmation that we can now proceed on the basis of a maximum demand and occupancy level of 250 for Friday prayers.

I have copied Ian Cyhanko into the email as I understand Jillian is taking up an new post in the Council.

Regards,
Adam

Adam Oredecki
Principal Transport Planner (Road Safety) | Consulting & Strategic Infrastructure
Amey

t: 0113 2810458 | m: [REDACTED] | e: adam.oredecki@amey.co.uk
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April 2015

Job No – Z13029

RE: 49 Barkly Road, Beeston, Leeds LS11 7EN
Aspiring Communities, Structural Validation for planning

Query from the Planning Officer

We understand that you received a query from Jill the Planning Officer as noted below:

‘Structural – Jill mentioned subsidence and has asked for confirmation from Aspiring Communities stating that from a structural perspective the construction of the basement car park is feasible’.

We have considered the above query raised by the planner in respect of potential subsidence in forming the basement and if the construction of the basement is feasible from the structural engineering point of view and we comment as follows:

1. Firstly it's pretty unusual to get an engineering query of this type at the planning stage.
2. We assume that a chartered structural engineering practice will be formally engaged to look after the whole scheme at all times and for all elements at the appropriate time once planning is obtained.
3. We assume that for a project of this size the Building Regulation submission will be made and Building Control will be involved and all technical designs will be reviewed and approved independently by them before construction commences on site.
4. The designs will be undertaken in accordance with the normal relevant design criteria as laid out in the most up to date codes of practice and other relevant guidance and good practice notes.
5. Detailed designs, drawings and construction details will be produced by the consultants and in particular the structural engineer, to guide the contractor to allow him to form the retaining walls and the roof for the car park. These design and details will take on board the prevailing site conditions such as; type of soil strata, the adjacent retainment details and the closeness of the any adjacent properties. If need be with any localised potential risk to adjacent properties being dealt with under the provision of the Party Wall Act.
6. We have seen the proposed drawings with various sections and details in relation to the existing construction; both on site and in the proximity adjacent to the site. We note that there is a short run of the boundary wall along the North East side which is deemed to be within the 3.0 m zone. This would normally present difficulties when forming excavations for the retaining wall to the basement along this length. However, as indicated above such practical difficulties can be overcome under the provision of the Party Wall Act and with a properly engineered solution, the risk of the foundations to the adjacent properties being affected can be eliminated.
7. In terms of the question if it's feasible to form the basement car park area, from the information that has been reviewed there is no technical reason as to why this cannot be achieved with an appropriately engineered solution. There are at least two or three methods by which the basement retaining walls can be constructed even for the area that falls within the 3.0 m zone.
8. The Coal Authority Mining Report previously reviewed by us had indicated that there have been no records of any damage notice or claim made/pursued in respect of subsidence in this area. It was concluded from that from the subsidence point of view this site presented low risk to the proposed development.

We trust that the above note will be sufficient to address the query raised by the planners

Mohammad Rafiq BSc CEng MICE MStructE - Director
ZAR Associates Limited
Consulting Civil and Structural Engineers
3a Burnett Street, Little Germany, Bradford BD1 5AP

M: [REDACTED] T: 01274 296129; E: info@zarassociates.com

Brook, Richard

From: Chris [REDACTED]
Sent: 03 March 2015 17:19
To: Cyhanko, Ian
Subject: Re: Aspiring Communities - 49 Barkly Road, Beeston LS11 7EN (14/06007/FU), - Introduction of Chris Weetman

Good evening Ian

Could you point me to the officer (and their contact details) who deals with property register and information on sales, rents availability please

regards

Chris Weetman

On 2 Mar 2015, at 14:01, Cyhanko, Ian <Ian.Cyhanko@leeds.gov.uk> wrote:

Thanks for the info

I will look forward to hearing from Chris, and progressing this application.

Regards

Ian Cyhanko
Principal Planner
Planning Services - South Team
0113 247 4461

From: zareen@zendium-design.co.uk [<mailto:zareen@zendium-design.co.uk>]
Sent: 02 March 2015 13:52
To: Cyhanko, Ian
Cc: Rann, Jillian; Afaq; info zendium; AHMED, Zeb; 'zeb.ahmed'; Nazarbat.Marroof@aspiringcommunities.org; [REDACTED] nadeem.hanif@aspiringcommunities.org; Chris Weetman
Subject: Re: Aspiring Communities - 49 Barkly Road, Beeston LS11 7EN (14/06007/FU), - Introduction of Chris Weetman

Hi Cyhanko

Following discussions between ourselves, the client and Chris Weetman, our planning consultant, it has been decided that for the purposes of trying to approach the planning application with a fresh pair of eyes, that Chris will be the agent as point of contact going forward. His contact details are [REDACTED] and [REDACTED]. Please direct all correspondence to him from now on

Chris is busy reviewing all the correspondence to date, and the issues of the sequential test for the leisure use . Once he has completed that he will be making contact direct to try and resolve outstanding issues and time frames.

Regards

Zareen M Rahman

On 03 February 2015 at 11:14 "zareen@zendium-design.co.uk" <zareen@zendium-design.co.uk> wrote:

Dear Cyhanko

RE: Aspiring Communities - 49 Barkly Road, Beeston LS11 7EN (14/06007/FU), planning process

I tried to call you yesterday and this morning and left a message.

Further to Jill moving on, we would like to know the timetable for the required extra information on this project so that you can make a positive decision on this application.

- We are working on the sequential test now.
- We are amending the plans, elevations and sections as per the last meeting with Jill and Steve.
- Amey are engaging with your Highways department to alleviate their concerns.

Can you please tell us:

1. The required dates for the above information.
2. Whether there is any further information required.

Feel free to contact me via email or you are welcome to call.

Kind regards

Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.

M: [REDACTED]

Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.

M: [REDACTED]

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Brook, Richard

From: Cyhanko, Ian
Sent: 01 April 2015 10:59
To: Department of Planning
Subject: FW: 49 Barkly Road, Beeston - Support Letter Error 14/06007/FU

Hi

See e-mail below

Can you change the agent details to

Chris Weetman
1 Reeveswood, Ecclestone, Chorley
Lancashire
PR7 5 RS

Telephone [REDACTED] [REDACTED] email [REDACTED]

Thanks

From: zareen@zendium-design.co.uk [<mailto:zareen@zendium-design.co.uk>]
Sent: 01 April 2015 10:56
To: Chris Weetman; Cyhanko, Ian
Cc: Afaq
Subject: RE: 49 Barkly Road, Beeston - Support Letter Error

Hi Ian Cyhanko

As per the earlier email from Chris Weetman, he is now the agent on the project. Therefore please take this email as authority of the same.

Kind regards

Zareen

On 01 April 2015 at 10:22 "Cyhanko, Ian" <Ian.Cyhanko@leeds.gov.uk> wrote:

Hello

I have send a formal request to the e-mail address zareen@zendium-design.co.uk regarding an extension of time, until the end of May. We need an agreement to this, from this e-mail contact I'm afraid, as they are down as the agent for this application.

Regards

Ian Cyhanko

Principal Planner
Planning Services - South Team
0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

From: Chris Weetman [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: 30 March 2015 12:22
To: Cyhanko, Ian
Cc: zareen@zendium-design.co.uk
Subject: RE: 49 Barkly Road, Beeston - Support Letter Error

Hello Ian

I did ring on Friday after receiving this email, as I wanted to discuss a number of issues going forward. So in the absence of any response please accept this email as a holding email, that the applicant agrees to an extension of time under the DMPO to the end of May 2015 for the determination of this application.

Regards
Chris Weetman

From: Ian.Cyhanko@leeds.gov.uk
To: zareen@zendium-design.co.uk
CC: [REDACTED]
Subject: RE: 49 Barkly Road, Beeston - Support Letter Error
Date: Fri, 27 Mar 2015 11:29:47 +0000

Hello

With regard to the above application.

I am e-mailing you for an update. We are still awaiting the submission of a sequential test, and revised and additional plans which address's the issues raised at a meeting you had before Christmas, with Jill Rann and Nadir Khan regarding the design and layout of the buildings, and further more information about how the levels/retaining walls etc would work, as this still isn't clear from the plans.

The current application has an agreed determination date of 1st April. Could you let me know when we could expect this further information and revised plans?

Regards

Ian Cyhanko
Principal Planner
Planning Services - South Team
0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

From: zareen@zendium-design.co.uk [<mailto:zareen@zendium-design.co.uk>]
Sent: 29 January 2015 11:55
To: Rann, Jillian; Cyhanko, Ian
Cc: zeb.ahmed (zeb.ahmed@aspiringcommunities.org); Butler, Steven; AHMED, Zeb; Afaq
Subject: 49 Barkly Road, Beeston - Support Letter Error

Dear Jillian and Cyhanko

Our client has contact me with regards to a letter of support uploaded to the planning portal:

There was a support letter on portal that had a numerical error on address: This was an individual letter from 262 Cross Flats Grove. This should have been no 266. The gentlemen who wrote letter has corrected the mistake and handed a new letter which has been uploaded on portal, however the the old one with numerical error this hasn't been removed and the gentleman who lives at 262 has contacted us to get this amended.

Could you kindly amend this error?

Thanks and regards

Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.

M: [REDACTED]

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Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.

M: [REDACTED]

Brook, Richard

From: Cyhanko, Ian
Sent: 02 April 2015 08:12
To: 'Chris'
Subject: RE: Barkly Road

Thanks for this, I assume you wish for the sequential test to be considered as part of the application, rather than an draft document you want comments on?

Regards

Ian Cyhanko
Principal Planner
Planning Services - South Team
0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

-----Original Message-----

From: Chris [<mailto:>]
Sent: 01 April 2015 20:04
To: Cyhanko, Ian
Subject: Barkly Road

Ian
Hopefully now that Zareen has -reconfirmed that I'm the agent to contact on planning matters, We can move forward in a positive manner.
I enclose the sequential test as sent to Adam in policy who kindly advised in its preparation

Regards
Chris

Brook, Richard

From: Cyhanko, Ian
Sent: 21 April 2015 12:32
To: [REDACTED]
Subject: RE: Barkly Road

Ok

See you tomorrow

Regards

Ian Cyhanko
Principal Planner
Planning Services - South Team
0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

From: [REDACTED] [[mailto:\[REDACTED\]](#)]
Sent: 21 April 2015 12:18
To: Cyhanko, Ian
Subject: RE: Barkly Road

Good afternoon Ian. It will be just me
Chris

Sent from Samsung Mobile on O2

----- Original message -----

From: "Cyhanko, Ian"
Date: 21/04/2015 10:10 AM (GMT+00:00)
To: Chris
Subject: RE: Barkly Road

Hello

Could you please confirm who is attending the meeting tomorrow from your side?

Regards


Ian Cyhanko

Principal Planner

Planning Services - South Team

0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

From: Chris [[mailto:](#) 
Sent: 07 April 2015 14:14
To: Cyhanko, Ian
Subject: Barkly Road

Good afternoon Ian

I have been aware of the political situation 'hotting up' this weekend. We have a 'U' turn from a councillor whom I'm led to believe supported the scheme previously and I have also seen articles in South Leeds life which talk of extremism and this application not being what it purports to be. This very much follows on from our discussions and the document you sent me.

A couple of things occur to me. Firstly the call to take to planning panel now, well I hope the councillor will be advised that we have agreed an extension of time and the consequences of that agreed extension of time not being adhered to. Secondly the meeting of the 22nd, just a thought given the politics, maybe Tim Hill should be involved?

I asked the client straight up about the accusations that this is a national mosque. They were emphatically refuted. The problem is if someone (objector) shouts loud enough that something is a fact it becomes a fact unless it can be irrefutably disputed. I suspect that no matter how many times an applicant says it's a local facility with a once a year convention, it will be perceived as a national institution with visitors from all over the country on a Friday every week.

Chris.

Begin forwarded message:

From: Zeb Ahmed [REDACTED]

Subject: Zeb Ahmed sent you an image file!

Date: 7 April 2015 13:04:47 BST

To: Chris Weetman [REDACTED]

Sent by WhatsApp

Zeb AHMED

Brook, Richard

From: Cyhanko, Ian
Sent: 24 April 2015 11:16
To: 'Chris'
Subject: RE: 49 Barkly Road, Beeston - Outstanding issues

I don't think there is a set parking requirement for a mosque. This has been an issue on this scheme.

I would contact Andrew directly with any parking queries you have

The contacts are Andrew.Dmoch@leeds.gov.uk

And Steve.Butler@leeds.gov.uk

Regards

Ian Cyhanko
Principal Planner
Planning Services - South Team
0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

From: Chris [mailto:]
Sent: 24 April 2015 11:08
To: Cyhanko, Ian
Subject: Re: 49 Barkly Road, Beeston - Outstanding issues

Thanks Ian

Can you do me two favours please (yes I know your busy before you go) Can you ask the highways officer, what the parking requirement would be for just a mosque, for just a sports hall/provision, and just a community /multi faith facility.

Im speaking to the clients tonight and would like to discuss in detail the options so we can achieve the last pout , some form of resolution.

Also can you send me the email addresses for Andrew and Steve

regards

Chris

On 24 Apr 2015, at 11:02, Cyhanko, Ian <Ian.Cyhanko@leeds.gov.uk> wrote:

Hello

Following our meeting earlier this week, I am e-mailing you a list of the issues we consider are outstanding.

- Highways – requests for more information/correspondence between Andrew Dmoch and highways consultant (Adam Oredecki, Amey) Need more clarification on how mix of uses would work, need to

evidence/agree modal splits to be used to calculate parking requirements etc, refuse collection/servicing arrangements.

- Reservations about using conditions to restrict uses, occupancy etc – enforceability? Legal have advised we can't use S106 agreement to control numbers of people
- Travel Plan – Gordon Maclay says 2013 one is acceptable but needs updating to reflect current proposals.
- Design – internal layout, multiple entrances to front, large plant areas and lack of clarity about why they need to be so large (potential for them to be used as additional floorspace if underused for plant), fenestration, lack of clarity over levels, need for additional landscaping/replacement planting along NW boundary. Never received revised plans, following this request been made in December 2014.
- Need level/ section details showing the proposed undercroft parking areas with site boundaries and adjacent properties.

It would be helpful if you could indicate soon, how your client decides to proceed with this proposal. I am on leave after today, and return to the office on May 7th

Regards

Ian Cyhanko
Principal Planner
Planning Services - South Team
0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

From: [REDACTED] [mailto:[REDACTED]]
Sent: 01 April 2015 10:48
To: Cyhanko, Ian
Subject: RE: 49 Barkly Road, Beeston - Support Letter Error

As u will gather as im communicating via my phone im away from office....will confirm at lunch on my return
Chris

Sent from Samsung Mobile on O2

----- Original message -----

From: "Cyhanko, Ian"
Date: 01/04/2015 10:29 AM (GMT+00:00)
To: [REDACTED]
Subject: RE: 49 Barkly Road, Beeston - Support Letter Error

Steve Butler, Area Planning Manager has been involved in all previous meetings on this application, and is on leave for 2 weeks, after this week. Steve would need to attend any meeting.

Steve has said he is free to attend a meeting on Tuesday 21st April, Wednesday 22nd 12noon until 2pm or Friday 24th until 2.30pm

Are any of these times suitable for you?

Regards

Ian Cyhanko
Principal Planner
Planning Services - South Team
0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

From: [REDACTED] [mailto:[REDACTED]]
Sent: 01 April 2015 10:22
To: Cyhanko, Ian
Subject: RE: 49 Barkly Road, Beeston - Support Letter Error

Good morning Ian. CIL forms should be with you today. Sequential test has been sent to and accepted by Adam i will get you a copy later today too. Zareen tells me there are a number of changes he needs to make with drawings and he is on with them. I would very much like to meet with you to discuss the objections and the neighbourhood plan at some point in the next 2 weeks
Chris

Sent from Samsung Mobile on O2

----- Original message -----

From: "Cyhanko, Ian"
Date: 01/04/2015 8:30 AM (GMT+00:00)
To: Chris Weetman
Subject: RE: 49 Barkly Road, Beeston - Support Letter Error

I will send a formal request to extend the determination until the end of May.

It would be helpful if you could provide an update on progress.

Regards

Ian Cyhanko
Principal Planner
Planning Services - South Team
0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

From: Chris Weetman [mailto:[REDACTED]]
Sent: 30 March 2015 12:22

To: Cyhanko, Ian
Cc: zareen@zendium-design.co.uk
Subject: RE: 49 Barkly Road, Beeston - Support Letter Error

Hello Ian

I did ring on Friday after receiving this email, as I wanted to discuss a number of issues going forward. So in the absence of any response please accept this email as a holding email, that the applicant agrees to an extension of time under the DMPO to the end of May 2015 for the determination of this application.

Regards

Chris Weetman

From: Ian.Cyhanko@leeds.gov.uk
To: zareen@zendium-design.co.uk
CC: [REDACTED]
Subject: RE: 49 Barkly Road, Beeston - Support Letter Error
Date: Fri, 27 Mar 2015 11:29:47 +0000

Hello

With regard to the above application.

I am e-mailing you for an update. We are still awaiting the submission of a sequential test, and revised and additional plans which address's the issues raised at a meeting you had before Christmas, with Jill Rann and Nadir Khan regarding the design and layout of the buildings, and further more information about how the levels/retaining walls etc would work, as this still isn't clear from the plans.

The current application has an agreed determination date of 1st April. Could you let me know when we could expect this further information and revised plans?

Regards

Ian Cyhanko
Principal Planner
Planning Services - South Team
0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

From: zareen@zendium-design.co.uk [<mailto:zareen@zendium-design.co.uk>]
Sent: 29 January 2015 11:55
To: Rann, Jillian; Cyhanko, Ian
Cc: zeb.ahmed (zeb.ahmed@aspiringcommunities.org); Butler, Steven; AHMED, Zeb; Afaq
Subject: 49 Barkly Road, Beeston - Support Letter Error

Dear Jillian and Cyhanko

Our client has contact me with regards to a letter of support uploaded to the planning portal:

There was a support letter on portal that had a numerical error on address: This was an individual letter from 262 Cross Flats Grove. This should have been no 266. The gentlemen who wrote letter has corrected

the mistake and handed a new letter which has been uploaded on portal, however the the old one with numerical error this hasn't been removed and the gentleman who lives at 262 has contacted us to get this amended.

Could you kindly amend this error?

Thanks and regards

Mr. Zareen M Rahman
B.Arch [Hons] Dip Arch RIBA ARB
for and on behalf of Zendium Design.

M: [REDACTED]

The information in this email (and any attachment) may be for the intended recipient only. If you know you are not the intended recipient, please do not use or disclose the information in any way and please delete this email (and any attachment) from your system.

The Council does not accept service of legal documents by e-mail.

From: Dmoch, Andrew
Sent: 24 April 2015 16:50
To: 'Chris'
Cc: Cyhanko, Ian; Butler, Steven
Subject: RE: 49 Barkly Road, Beeston

Chris

Sorry for not responding sooner today.

It's difficult to specify a figure at this stage given the uncertainty about various parameters.

In particular the number of worshippers - as you are aware, estimates of capacity/ demand have ranged from 250 to 400.

As I explained to Adam Oredecki, there was also concern that the previous application referred to 75% of worshippers coming from outside the local catchment (as these would mainly be car borne trips).

Another area of uncertainty is the arrival profile of worshippers at Friday prayers - 400 worshippers in a 2 hour period will have a very different parking demand than the same number in an hour (assuming an average 30 minute stay)

Once these are established and agreed we can advise on the parking requirement

For example 150 spaces would be sufficient with:

- 400 worshippers
- 300 of these arriving by car
- an average stay of 30 minutes
- peak arrival at 50% of total arrivals

We clearly need evidence to back up any assumptions made

As we discussed at the meeting, the acceptability of any proposal will also depend on other issues - layout and likelihood of spaces being used etc.

Regards

Andrew Dmoch
Transport Development Services
Leeds City Council
Tel. 0113 3950501

-----Original Message-----

From: Chris [mailto:]
Sent: 24 April 2015 11:23
To: Dmoch, Andrew
Subject: 49 Barkly Road, Beeston

Hi Andrew

Good to meet the other day.

We talked about phasing the scheme, and I'm talking to the clients this evening . Roughly , what would be the figures if the scheme was reduced to just the mosque element.

Similarly what would you be looking at if it was the mosque plus community facilities, or mosque and sports facility?

Im hoping to convince the client that a reduced scheme would reduce the requirement for parking and save on the undercroft parking costs.

Chris

Dear Sirs

17/05/15

Re : Planning Application 14/06007/FUL 49 Barkly Road, Beeston , Leeds

Following our meeting on the 22nd April and the follow up communication from Ian Cyhenko I have had subsequent discussion/meetings with the clients. I have a number of questions and points, which I feel need to be raised at this juncture.

It appears to me, and please correct me if I am wrong, that the outstanding issues are interwoven around peak use parking and the potential for amenity problems that this may be perceived to cause. Issues around the scale of the building and the size of rooms, and naming of rooms, all come back to this point, just what is the space to be used for and will this increase the numbers beyond which it is claimed will be there at this peak time, Friday prayers.

Whilst I appreciate there is a history to this site and correspondence and communications in the wider world which may well have tainted the proposal, the application must be determined in accordance with what is in front of the decision maker. The Planning Inspectorate tend to take a very dim view of Local Planning Authorities who speculate about what a building may or may not be used for, or how it may be used for in the future without any evidence to support that speculation.

For example the plant rooms. Why do they need to be so large? Well the answer is in the accompanying letter, because they are appropriate for a building of this scale.

Why are the fire escapes on the front? Again I am not sure why the architect has drawn them there, but, does it matter in the sense of how the building is used as a whole? Surely that is a matter for building regulations and the fire officer?

I accept that work needs to be done to the appearance of the building and that has been undertaken in conjunction with this letter. I accept that you (through the highways officer) need to be convinced that the undercroft parking is usable, but I do not share your professional opinion as expressed to me on the 22nd , that it will not be used because its inconvenient to do so. The extra car parking was provided because the LPA wanted more on site, it is therefore disingenuous to then say, that even though it has been provided we don't think it will be used. Just like a supermarket where the furthest parking spaces may well be 100 metres from the main entrance, that does not mean they will not be used.

We still have the outstanding issue of agreeing the % of visitors who will arrive by motor vehicle. This issue has not been agreed in what appears to be almost 3 years and I do not think there is a definitive answer or you would have advised the applicants of that by now, and I know they have asked for a definitive answer o numerous occasions.

Again though I have to say the issue appears to have been tainted by what was previously said. However, that is not what is before the LPA for consideration now.

Since the 22nd of April's meeting I have sought out whether any other LPA's across the country with similar racial/religious mixes have any special requirements for this type of development, or the religious elements of it? I have not found any to date.

I am well aware of the religious/racial element of this scheme and the particularities of the 'peak time' are a material planning consideration, and provided you have sought to address them then it would appear to me that the LPA would be above criticism. However, I do not see how the LPA can seek absolute certainties which they would not seek on other forms of development, that may raise amenity considerations. This brings me round to conditions and section 106 agreements. I understand that you have been advised that the use of conditions cannot control the use of the site? If that is the case then I am professionally astonished at this. The only way of controlling the use/numbers of a site is either by condition or as part of a legal agreement.

The case law for this is the "I'm Your Man" case in 1998 (I'm Your Man Ltd v Sec of State for the Environment), it has been settled law that if a limitation is to be attached to a planning permission, it must be by way of an express condition. A limitation cannot be inferred from the description of the development.

That case concerned an application for a temporary change of use of two aircraft hangers and ancillary buildings to use for sales, exhibitions and leisure activities. The application was granted and planning permission was issued for, "additional use of warehouse/factory for sales, exhibitions and leisure activities for a temporary period of seven years...in accordance with the terms of the application." A few years later the owner of the buildings argued that the planning permission authorised a permanent change of use because there was no condition making it temporary or requiring the temporary use to cease at the end of the seven year period.

The case was heard by Mr Robin Purchas QC (also sitting as a Deputy High Court Judge). Part of his decision considered whether the planning permission that had been granted was temporary or not. In his view, the answer was a resounding no and he held the planning permission to be for a permanent change of use:

"In the present case, the relevant application was for a temporary period, thus effectively volunteering a condition in accordance with what is now paragraph 110 of the annex to Circular 11/95. The imposition of a temporary condition was plainly open to the 1995 Inspector. His failure to impose such a condition might well have been open to criticism. His decision, however, became immune from challenge after six weeks by virtue of section 284 of the 1990 Act. That does not provide grounds for implying a condition to that effect in what is a public document, conferring rights in connection with the use of land. In my judgement, accordingly, the permission as granted became effectively a permanent one."

The correctness of the judge's approach in I'm Your Man was confirmed by Lord Justice Richards in the High Court in R(Altunkaynak) v Northamptonshire Magistrates' Court in 2012, His Lordship citing the case and saying that:

"If a limitation is to be imposed on a permission granted pursuant to an application, it has to be done by condition."

In *Cotswold Grange Country Park LLP v Sec of State for CLG* [2014], the principle was again applied. A permission granted in 2010 authorised the use of land for 54 caravans for year round holiday accommodation. One condition prohibited the use of each of the 54 caravans as the occupier's sole or main residence.

The planning authority later refused an application for a lawful development certificate for the stationing of six additional caravans for residential use. On appeal, the inspector upheld the refusal on the basis that the application was in conflict with the terms of the 2010 permission.

The court quashed the inspector's decision. The condition did not limit the number of caravans on the site and no such condition could be implied from the description of the development, on the "I'm Your Man" reasoning. The inspector had erred in law.

I would very much like to hear or read the legal opinion that you have been given as to why the numbers using the site cannot be controlled by condition/section 106.

I was also somewhat surprised by the reaction when I asked for the original permissions for the use and hours of use of the site. It did not seem to have occurred that the fall back position as outlined in the *Zurich* case was a significant material planning consideration.

I know it has been raised before, but the timing of the request for the sequential test is still unresolved in my professional opinion. When this was raised previously, the LPA's response has been- because it became part of their local plan policy. However, where the local plan is silent on an issue the NPPF takes precedence, and the NPPF has required one since March 2012.

Which of course brings us back full circle to the overriding issue of the use, % of visitors etc, because the sequential test as submitted and accepted, has as its overriding parameter that the site needed to be adjacent to the local community which it was intended to serve. So why is another part of the planning 'team' taking an alternative view, namely that this may be for a wider national usage?

When we met on the 22nd April you expressed 'confidence' if this matter was appealed. The more I read and understand this application and how it has been handled, the less I share your confidence on behalf of the LPA. The arguments that 'you still do not understand how the uses will operate' after all this time is highly worrying, because it does not appear that how many times the applicants have tried to explain the usage and uses, there remains question marks in the heads of officers. I would not like to be that officer(s) on the witness stand at an Inquiry. I understand how it is to be used and I understand that for probably 80-90 % of the time the building may be only sporadically used.

My advice to the client is that the next step may well be counsel's opinion. It is not for me to tell you how to assess the application but it does seem to me that the scrutiny of the scheme has become so intense that it has gone far beyond what would normally take place having regard to the requirements of the NPPF, and the LPA's own local plan policies.

Prior to the meeting of the 22nd April I asked for and was denied the opportunity for Tim Hill to be present. It appears to me that a fresh overview is required, hence why I would want you to copy him into this correspondence.

Finally I have seen much correspondence around how this application in relation to the number of objectors, or the background and locality of the applicants or that the site could and should be used for housing . Absolutely none of those are material planning considerations yet I see no evidence of the LPA explain that to the objectors.

I am sorry if this appears somewhat blunt but we appear to be going round in circles. I genuinely think its time to clarify our respective positions

Regards

Chris Weetman



RTPI

Chartered Town Planner

From: "Butler, Steven" <Steve.Butler@leeds.gov.uk>
Subject: Barkly Road
Date: 15 June 2015 08:46:46 BST
To: [REDACTED]

Chris please see below the text of the email I considered had been previously sent to you.

Chris

I apologise for not replying to your email earlier however, I have been on leave. To use your terminology and be 'blunt' I am disappointed with this response. Ian and I met with you on the 2nd of April to discuss in a very open manner the issues surrounding the application in the hope that you might provide some clarity. As I stated at the meeting I consider that from the outset there has been a lack of clarity from the applicants as to how the proposal will operate. The City Council's position at the present is that we will report the application to the next available Panel with reason/s for refusal based primarily on Highway safety.

It is not a question of Local Authority speculating what a building may or may not be used for however, we do need to understand how it is intended to operate to properly assess the likely car parking requirement to ensure as far as we can that approval of any application would not impact upon Highway safety.

Questions related to the scale of the building and use of some of the rooms have been asked partly to understand the parking requirement and partly to understand the reasoning behind some of the elements of the external design.

With regards the convenience of the undercroft parking you refer to, if you recall it was not just that the parking was located below the building and therefore away from the visitors destination but that some of the spaces provided were difficult to actually access with a vehicle.

We understand that there is not definitive answer with regards the percentage of visitors that are likely to arrive by car. I thought we had made this clear at the meeting and that we were seeking comfort that the scale of the building and the various uses likely to operate at any one time would attract a level of visitor by car that could be accommodated within the car park provided. The difficulty here as articulated at the meeting is that up to now revisions have been made to one part of the application without apparent thought for how they might affect other elements of the scheme.

With regards the issue concerning the use of a condition to control the numbers of person attending the building, I am open to suggestion if you can provide me with the wording of a condition that complies with the five tests, in particular 'enforceable' I will consider it.

Stating that you were 'denied the opportunity for Tim Hill to be present' is a little over dramatic. When you requested the meeting you were advised that I thought

involving Tim was not necessary. As you did not raise an issue at the time it was assumed you were in agreement with this.

With regards the latter point relating to the content of correspondence presumably from objectors, any issues raised would be addressed in a subsequent report. We would not write to objectors attempting to address their concerns individually.

I hope this addresses the points you have raised?

Steve Butler
Area Planning Manager
South and West



17/07/2015

Re 49 Barkly Road, Beeston.

I refer to your email of the 15th July 2015 with regard to the above application. I am not going to comment on the level of professionalism being shown, in this communication, I will save that for other procedures.

I and my clients and their other professional advisors have noted the comments contained therein. With regard to the highways issues, it is apparent that nothing short of the removal of the element that allows for Islamic prayers from the scheme will suffice for yourselves. Our efforts to satisfy you with more data, conditions which would stand the test of PINS and other evidence, all at your behest, has quite frankly been an utter waste of my time, my clients time and the highways and design consultants time. We actually welcome you finally coming off the fence, if indeed you were ever on the fence, and now we know precisely where we stand.

With regards to the second issues you raise namely that of the earth removal and the construction issues, I am quite frankly professionally appalled at the timing of these comments. Because I was not involved in the original submission, I asked all the other parties involved to check their correspondence from Leeds City with regard to this matter.

The matter was, in part, raised by Jill Rann on the 12th January 2015 as follows:

“In terms of the design matters, as we have previously discussed, as well as reconsulting with Nadir it is also likely that we will need to readvertise the revised plans once we receive these from you. As some concern has been raised locally regarding land stability issues in relation to the excavation works proposed to create the basement car park, we may also need to seek further advice from our surveyors/building control officers once we have the full details of levels, retaining walls and site sections from you as requested at our meeting, so that we can fully consider these matters in the light of the concerns raised.”

Following that request Zareen at Mirmar Architects answered the email with existing and proposed levels on the site, sections through the basement, along with a statement from a structural engineer to justify that the construction of the basement / buildings could be achieved. At no point until the 15th July, some 6 months after Jill's email, has it been raised, until now, that the excavations would be problematic or cause issues with carting away etc.

I also checked the email sent by YOU to me on the 24th April following our meeting.....which states the following:

“Hello

Following our meeting earlier this week, I am e-mailing you a list of the issues we consider are outstanding.

- Highways – requests for more information/correspondence between Andrew Dmoch and highways consultant (Adam Oredecki, Amey) Need more clarification on how mix of uses would work, need to evidence/agree modal splits to be used to calculate parking requirements etc, refuse collection/servicing arrangements.
- Reservations about using conditions to restrict uses, occupancy etc – enforceability? Legal have advised we can't use S106 agreement to control numbers of people
- Travel Plan – Gordon MacLay says 2013 one is acceptable but needs updating to reflect current proposals.
- Design – internal layout, multiple entrances to front, large plant areas and lack of clarity about why they need to be so large (potential for them to be used as additional floorspace if underused for plant), fenestration, lack of clarity over levels, need for additional landscaping/replacement planting along NW boundary. Never received revised plans, following this request been made in December 2014.
- Need level/ section details showing the proposed undercroft parking areas with site boundaries and adjacent properties. “

Point me to where you say its an outstanding issue.....you do not.! It was never raised with me as the lead consultant , before, during , and after the meeting!

Now you are raising earth removals and basement formation issues. We have considered the basement construction solutions and if necessary, where piling is required intend to perform auger or silent piling techniques to minimise and eliminate noise, dust and vibration."

Or are you seriously asking for a basement impact assessment? This will require us to consider issues such as flooding, structural matters and construction methodology. Why are you raising the issue now, in the same email that you say you are intent on refusing the application, what were you thinking in asking for this now?

I am not even going to express my disbelief as to the point about the number of vehicle movements to this site per day other than to say 660×2 divided by 180 + days of the construction period = 7.3 movements per day over a 10 hour period (8am to 6pm) =less than 1 movement per hour!!!! What is the fallback position? Again something which I raised in the past and you utterly failed to comprehend was of significance.

Did you not think this through before raising that with us?

I think the time for expecting any more work to be done by my clients at their expense has now past. The evidence trail will be extremely revealing at the public inquiry.



RTPI

Chartered Town Planner



Dear Ian/Steve

I refer to the recent exchange of correspondence. I have held back from responding to the variety of questions pending discussions with the applicants and others.

I am now in a position to formally respond. I note from the most recent letter from 'Save Our Beeston' that their concerns accord with the comments that you made to me when we met and again in writing. It appears to me that they have switched their approach from 'lots of us do not like it so it should be refused' to 'this is really for more than the proposed numbers and the other rooms will be used to get more worshippers in'. Almost like a back door means of achieving what the original application sought to achieve?

As professionals we are all aware you have to determine what is in front of you, not what third parties believe or claim is going to happen. However, the similarity around their comments in relation to your questions about the use of other rooms, and the size of other rooms, does not sit well with me. The question I am asking myself is, are they drawing their concerns and arguments from you or vice versa?

Anyway, we are where we are.

A number of specific questions have been asked and I will attempt to answer them as follows.

The question was asked about an enforceable condition(s), although it was asked in the same letter as the statement that you would refuse the application in its current format was also made. Having done some research I now offer the following conditions which taken together should provide the control and comfort you require:

The use hereby permitted shall not take place outside the hours of 08.00 to 22.00 hours.

The building shall not be occupied by more than 258 people during Friday prayers. At all other times in the Islamic Learning Centre, it shall not be occupied by more than 50 people. An electronic register shall be maintained of the number of persons present in the building, which shall be made available to the local planning authority on request.

The Travel plan submitted as part of the application shall be implemented in full in accordance with the approved programme.

No amplified sound equipment shall be used outside the building.

The sports hall will be closed to all users between 8.00 and 2 pm every Friday (this is slightly different to the D+A and travel plan but affords complete certainty that users will not be praying)

I do realise that given previous correspondence, that your in house legal advice is that the use cannot be controlled by a condition. Well the conditions specified above emanate from PINS and are to be found in Appeal reference 2206647 and as they emanate via an Inspector they are a material planning consideration.

To answer Ian's specific questions in his email of the 15th June 2015 the applicant proposes the following site management safeguards for your consideration:

4) No event permissible on Leeds match days

5) Limited use of rear entrance

6) Provision of copies of insurance cover identifying visitor capacity constraints on annual basis to demonstrate validity of operations

7) Quarterly or Annual review with appropriate council department, full and transparent access and sharing of visitor records, with joint monitoring and review

8) Appointment of independent planning consultant approved by council to ensure ongoing compliance/improvement with green sustainable travel plans

9) Limitations on future use should charity sell or vacate property to eradicate long term fears associated with a large site, linked to planning approval

To address Ian's specific questions of the 2nd July as follows:

The Multi-Faith and Youth Skills, features on the Mon-Thurs timetable but not Friday. can you confirm this use only would operate Mon-Thursday?

Correct

Also can you confirm in which rooms labelled on the floor plans this use would occur?

This would occur on the second floor as per plan SK-Ref 305 REV C as identified, to the back of the site.

(again if you are concerned about this then being used for extra worshippers then modify the condition to prohibit its use during Friday prayers)

Gentlemen if there is anything else I can do to help please ask, however, it is plain to me that you are not comfortable with the concept of both a mosque and other facilities and would prefer either/or. However, may I also remind you that a mere assertion that something may happen or is capable of happening is not itself a reason to justify the refusal of planning permission, and if we get to the an appeal situation someone is going to have to explain under cross examination how, as a professional planner, that after the application has been with you for now over six months, you still do not understand how it all works or why it does not work without any evidence to support that contention. I would not want to be that person.

Chris Weetman



RTPI

Chartered Town Planner

Brook, Richard

From: Cyhanko, Ian
Sent: 18 May 2015 09:31
To: [REDACTED]
Subject: RE: Barkly Road

Hello

Following our meeting on 22nd April, can you provide an update on how your client wishes to proceed with the application?

Regards

Ian Cyhanko
Principal Planner
Planning Services - South Team
0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

From: [REDACTED] [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: 21 April 2015 12:18
To: Cyhanko, Ian
Subject: RE: Barkly Road

Good afternoon Ian. It will be just me
Chris

Sent from Samsung Mobile on O2

----- Original message -----

From: "Cyhanko, Ian"
Date: 21/04/2015 10:10 AM (GMT+00:00)
To: Chris
Subject: RE: Barkly Road

Hello

Could you please confirm who is attending the meeting tomorrow from your side?

Regards

Ian Cyhanko

Principal Planner

Planning Services - South Team

0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

From: Chris [[mailto:](#) 
Sent: 07 April 2015 14:14
To: Cyhanko, Ian
Subject: Barkly Road

Good afternoon Ian

I have been aware of the political situation 'hotting up' this weekend. We have a 'U' turn from a councillor whom I'm led to believe supported the scheme previously and I have also seen articles in South Leeds life which talk of extremism and this application not being what it purports to be. This very much follows on from our discussions and the document you sent me.

A couple of things occur to me. Firstly the call to take to planning panel now, well I hope the councillor will be advised that we have agreed an extension of time and the consequences of that agreed extension of time not being adhered to. Secondly the meeting of the 22nd, just a thought given the politics, maybe Tim Hill should be involved?

I asked the client straight up about the accusations that this is a national mosque. They were emphatically refuted. The problem is if someone (objector) shouts loud enough that something is a fact it becomes a fact unless it can be irrefutably disputed. I suspect that no matter how many times an applicant says it's a local

facility with a once a year convention, it will be perceived as a national institution with visitors from all over the country on a friday every week.

Chris.

Begin forwarded message:

From: Zeb Ahmed [REDACTED]

Subject: Zeb Ahmed sent you an image file!

Date: 7 April 2015 13:04:47 BST

To: Chris Weetman [REDACTED]

Sent by WhatsApp

Zeb AHMED

Brook, Richard

From: chrisw [REDACTED]
Sent: 27 May 2015 08:31
To: Cyhanko, Ian
Subject: RE: Revised D@A

Ian
Im working in Norfolk today back tonight so will respond properly then
Chris

Sent from Samsung Mobile on O2

----- Original message -----

From: "Cyhanko, Ian"
Date: 27/05/2015 08:22 (GMT+00:00)
To: Chris
Subject: RE: Revised D@A

This document won't open. Can you provide it in a different format?

As you are submitting revised plans, can we have your mutual agreement to extend the time of the application? Realistically the next Panel this application would be considered is July, so I would seek agreement to extend the determination date until 31st July.

Regards

Ian Cyhanko
Principal Planner
Planning Services - South Team
0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

-----Original Message-----

From: Chris [mailto:[REDACTED]]
Sent: 22 May 2015 15:36
To: Cyhanko, Ian
Subject: Revised D@A

Please find revised D@A to accompany the most recent changes Regards Chris Weetman

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intended recipient only. If you know you are not the intended recipient, please do not use or disclose the information in any way and please delete this email (and any attachment) from your system.

The Council does not accept service of legal documents by e-mail.

Brook, Richard

From: Cyhanko, Ian
Sent: 29 May 2015 08:28
To: 'Chris'
Subject: RE: Revised D@A

Steve Butler is going to respond to your letter dated 18th May, but is on leave this week. He will reply next week on his return.

I will process the revised/ additional plans and information.

Regards

Ian Cyhanko
Principal Planner
Planning Services - South Team
0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

From: Chris [mailto:]
Sent: 28 May 2015 14:12
To: Cyhanko, Ian
Subject: Re: Revised D@A

Ian

I have now broken the documents down into new emails. SO the rest will follow the first part which is attached to this email. With regards to the extension of time, We will be reaching a point of no return with regards to appealing non determination which as you will know has to be done within 13 weeks and 6 months of the date of validation. I am always keen to seek a negotiated resolution, but before I agree to such an extension, can you please confirm that the response to my letter of the 18th May will be responded to in full. The nature and content of that response will very much influence whether i believe there is merit in future negotiations.

Regards
Chris Weetman

On 27 May 2015, at 08:22, Cyhanko, Ian <Ian.Cyhanko@leeds.gov.uk> wrote:

> This document won't open. Can you provide it in a different format?
>
> As you are submitting revised plans, can we have your mutual agreement to extend the time of the application? Realistically the next Panel this application would be considered is July, so I would seek agreement to extend the determination date until 31st July.
>
>
> Regards
>
> Ian Cyhanko
> Principal Planner
> Planning Services - South Team
> 0113 247 4461
>

>
>
> 'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

>
>
>
> -----Original Message-----
> From: Chris [mailto:]
> Sent: 22 May 2015 15:36
> To: Cyhanko, Ian
> Subject: Revised D@A

>
> Please find revised D@A to accompany the most recent changes Regards Chris Weetman

>
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>

Brook, Richard

From: Cyhanko, Ian
Sent: 25 June 2015 09:01
To: [REDACTED]
Subject: RE: Revised D@A

Hello

With regard to the above application

Could you e-mail me the latest version of the 'Site and Event Management Plan' which details the various uses and functions within the proposal, and how various uses would not take place when Friday prayer is being held etc. I think the copy I have is now outdated.

Regards

Ian Cyhanko
Principal Planner
Planning Services - South Team
0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

From: [REDACTED] [[mailto:\[REDACTED\]](#)]
Sent: 27 May 2015 08:31
To: Cyhanko, Ian
Subject: RE: Revised D@A

Ian
Im working in Norfolk today back tonight so will respond properly then
Chris

Sent from Samsung Mobile on O2

----- Original message -----

From: "Cyhanko, Ian"
Date: 27/05/2015 08:22 (GMT+00:00)
To: Chris
Subject: RE: Revised D@A

This document won't open. Can you provide it in a different format?

As you are submitting revised plans, can we have your mutual agreement to extend the time of the application? Realistically the next Panel this application would be considered is July, so I would seek agreement to extend the determination date until 31st July.

Regards

Ian Cyhanko
Principal Planner
Planning Services - South Team
0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

-----Original Message-----

From: Chris [mailto:]
Sent: 22 May 2015 15:36
To: Cyhanko, Ian
Subject: Revised D@A

Please find revised D@A to accompany the most recent changes Regards Chris Weetman

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Brook, Richard

From: Chris Weetman [REDACTED]
Sent: 28 July 2015 16:39
To: Cyhanko, Ian
Subject: RE: Barkly Road

Ian
The clients have confirmed that they will open the site up for the site visit.
Chris Weetman

From: Ian.Cyhanko@leeds.gov.uk
To: [REDACTED]
Subject: RE: Barkly Road
Date: Tue, 28 Jul 2015 13:52:44 +0000

Hello

We are arranging the agenda for next week's Plans Panel. This application is on the schedule for a site visit at 9.40am on Thursday 6th August. Could you arrange access into the site for the Panel Members? We just need someone to meet us at the site who has access. The Chair of the Panel has also requested we visit inside the large main building which is proposed to be retained.

Regards

Ian Cyhanko
Principal Planner
Planning Services - South Team
0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

From: Chris [mailto:[REDACTED]]
Sent: 14 July 2015 11:04
To: Cyhanko, Ian
Cc: Zeb Ahmed; Nazarbat Maroof
Subject: Re: Barkly Road

Ian
I presume, for the purposes of clarity, you mean Phase 2? Phase 1 is the refurbishment of the front building to make it usable through refurbishment/fitting out.

On that basis I confirm that the temporary community building would be used for a multitude of uses, mirroring the larger application but on a miniaturised scale, obviously there would be no larger sporting facilities or Friday prayer.

So potential uses would centre around:

- youth and adult education/classes
- community meetings
- multi-faith activities and workshops

Ian you now have the letter from the consultant about the plant room, the auto-track for the car parking spaces, and precision on the uses and times of uses in a series of very detailed charts for every hour of every day of the week.

I can only repeat what I have said before, we as applicants cannot be anymore clearer than we have been

Regards

Chris Weetman

On 13 Jul 2015, at 15:57, Cyhanko, Ian <lan.Cyhanko@leeds.gov.uk> wrote:

I am awaiting further comments from Highways, once I have these I will be in touch, with our final views on the application.

Can you confirm , on the phasing plan, during Phase 1, what exactly would the 'temporary community building' be used for? Would this function as a Prayer room?

Regards

Ian Cyhanko

Principal Planner

Planning Services - South Team

0113 247 4461

'Leeds City Council fully supports the submission of applications online through the Planning Portal. Why not submit your next application online?'

From: Chris [<mailto:> [REDACTED]]
Sent: 10 July 2015 18:53
To: Butler, Steven; Cyhanko, Ian
Cc: Zeb Ahmed; Nazarbat Maroof; zareen@zendium-design.co.uk
Subject: Barkly Road

Gentlemen please find attached a letter on behalf of my clients and additional swept path analysis demonstrating that the parking spaces are usable.

I trust you will now be recommending approval of this scheme
regards

Chris Weetman
