



Leeds
CITY COUNCIL

Originator: David B Jones

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Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 19th October 2017

Subject: APPLICATION 16/05185/FU – Change of use of ground floor from doctors surgery/pharmacy to Public Bar (A4), two storey rear extension; rear beer garden area, external alterations including new doors and windows, condenser and extraction equipment to roofspace; new fencing and parking to rear, 39 Austhorpe Road, Leeds LS15 8BA

APPLICANT

J D Wetherspoon PLC

DATE VALID

26.08.16

TARGET DATE

18.08.17

Electoral Wards Affected:

Crossgates & Whinmoor

☒ Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: For Members to note the report and to agree the suggested reasons to contest the appeal.

Reasons to contest the appeal:

1. The proposed development would by reason of its size and close proximity to residential and commercial properties result in a serious loss of amenity to nearby residents and the existing dental practice. The harm would arise from the operation of internal and external areas (the beer garden) and the resulting patron noise associated with its use. This harm to residential amenity and impacts on the existing dental practice outweighs the considerable weight afforded to the re-use and restoration of the building and the economic benefits of the proposed use. As such the proposal is contrary to Saved Unitary Development Plan (Review 2006) policy GP5 and guidance in the

National Planning Policy Framework paragraph 17 detailing Core Principles which includes always seeking a good standard of amenity for all existing and future occupants of land and buildings.

2. The Local Planning Authority considers the proposed loading and unloading arrangements for the site which seek to route movements from Austhorpe Road via North Road to the rear of the building would cause pedestrian and vehicle conflict. Austhorpe Road is a busy and congested stretch of the highway network and in close proximity to a well-used bus shelter. The footway along North Road is narrow and there is not sufficient room for pedestrians and servicing trolleys to pass. As a result of a combination of these factors the proposed development would be detrimental to highway safety and is contrary to Policy T2 of the Core Strategy, saved UDP Review policy GP5 and the general highway guidance as contained within the National Planning Policy Framework.

1.0 INTRODUCTION

- 1.1 This application was reported to Plans Panel of 17th August 2017. The application was recommended for approval in principle, subject to the completion of a Section 106 Agreement and subject to the specified conditions. The application was deferred by Plans Panel, for the following considerations:
 - To consider reduced opening hours for use of the Beer Garden;
 - To consider reduced opening hours (for the entire pub) during the weekend (Friday/Saturday);
 - To seek an increase in the off-site highway contribution to address any resulting problems (with pay back clause retained if not required);
 - To revisit the proposed service arrangements – To include the utilising of North Road and/ or reducing the distance between service vehicles on Austhorpe Road and the provision of a service lift to minimise potential for conflict with pedestrians;
 - To seek further clarification regarding refuse collection – in particular relating to bottle collection;
 - To seek a review of on-site parking with a view to increasing provision;
 - Building Control to provide a view with regard to the suitability of the egress arrangements in the event of a fire;
 - To request the applicant to make contact with Dental Practice to seek an understanding of its future operation and any potential for relocation.
- 1.2 On 1st September, following the Plans Panel meeting, the agent advised that an appeal against the non-determination of the application was to be submitted as Wetherspoons were unable to accommodate the changes being requested. That appeal has now been lodged. The formal start date and confirmation the appeal will be dealt with by written representations has not yet been received although no decision can now be made by the Council as that now rests with the Planning Inspectorate. The purpose of this report is

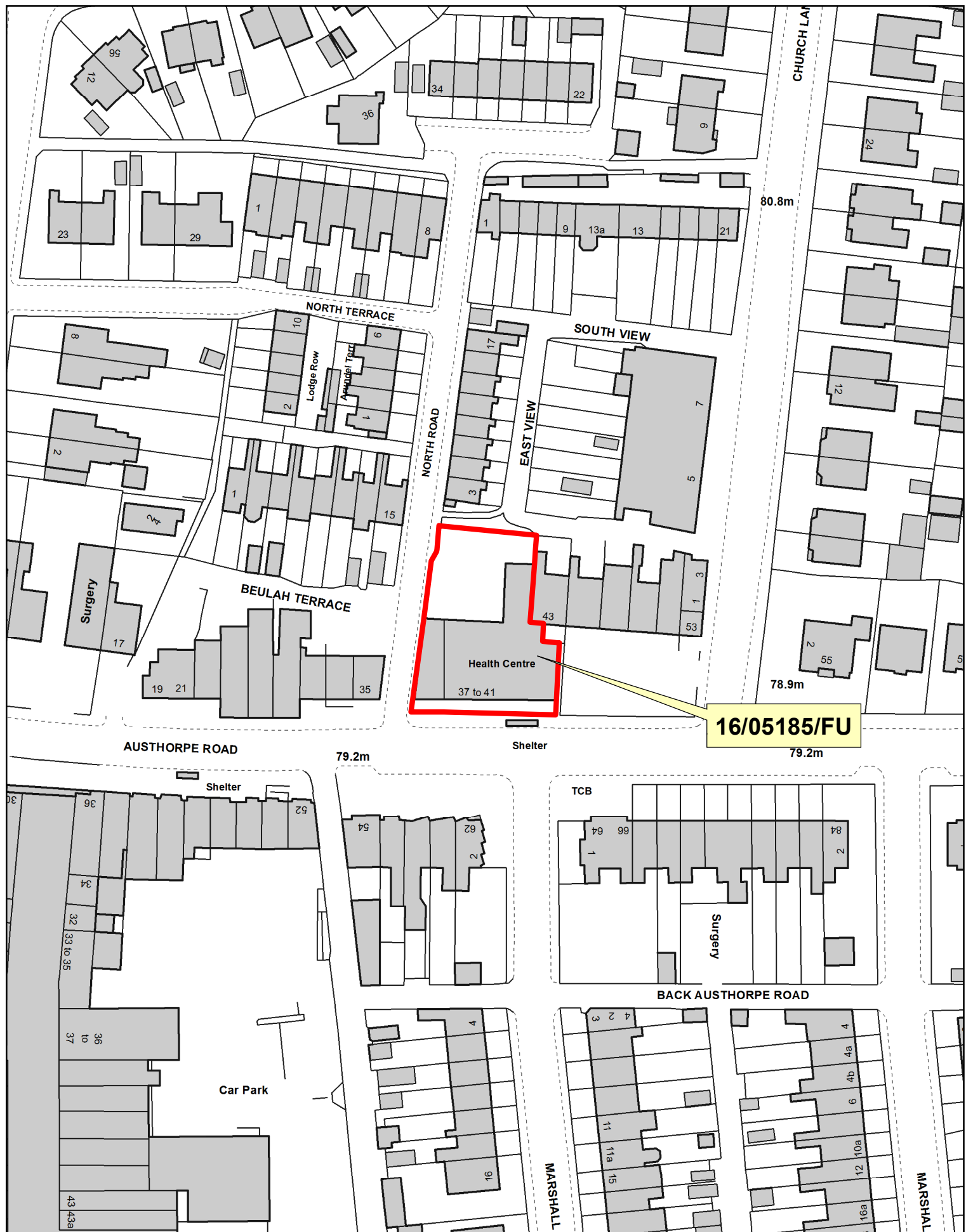
therefore for Members to agree the suggested reasons upon which officers will defend the appeal.

- 1.3 In consideration of the minutes of the 17th August Panel meeting, and at the Plans Panel meeting on 14th September, Panel Members resolved to contest the appeal for the following reasons:
- Harm to residential amenity including the opening hours of the beer garden and the public house;
 - Servicing arrangements would be harmful to highway and pedestrian safety.
- 1.4 Members requested that the detailed wording of the reasons be reported back to Panel for consideration. Accordingly, the suggested reasons to contest the appeal are set out above.

Background Papers:

Application file: 16/05185/FU

Certificate of Ownership: Signed by the applicant



NORTH AND EAST PLANS PANEL

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SCALE : 1/1000

