



Report of the Chief Planning Officer

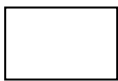
PLANS PANEL CITY CENTRE

Date: 5 NOVEMBER 2009

Subject: APPEAL DECISION - APPLICATION REFERENCE 09/00027/FU, Removal of condition 1 of application 08/04790/FU, discontinue use on the 6th November 2009 - 55 Boar Lane, Leeds, LS1 5NS.

Electoral Wards Affected:

City & Hunslet



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

APPEAL BY N/A TEDDY CLARK LIMITED AGAINST THE DECISION OF THE LOCAL PLANNING AUTHORITY TO REFUSE PERMISSION FOR REMOVAL OF CONDITION 1 OF APPLICATION 08/04790/FU, DISCONTINUE USE ON THE 6TH NOVEMBER 2009, AT 55 BOAR LANE, LEEDS, LS1 5NS (Delegated decision).

1.0 KEY ISSUES

The Inspector identified the principal issue in the determination of the case as being the effect on the vitality and viability of the Prime Shopping Quarter.

2.0 SUMMARY OF COMMENT

The appeal relates to the use of the site as an Amusement Centre with Café. The submission requested the removal of Condition 1 of application 08/04790/FU. Condition 1 stipulated the discontinuation of use of 55 Boar Lane as an Amusement Centre with Café on the 6TH November 2009.

The site is a city centre location close to Leeds City Station and Interchange. This is an existing unit on the south side of the Leeds Shopping Plaza fronting Boar Lane which is currently used as an Amusement Centre and Cafe. The site is set within the Prime Shopping Quarter, as defined by Leeds Unitary Development Plan Review 2006, and has a Primary Shopping Frontage. 55 Boar Lane is close to but outside the boundary of the City Centre Conservation Area.

The Inspector stated that 'there is nothing before me to indicate that the use of these premises as an Amusement Centre for the last 4 to 5 years has resulted in any harm to the attractiveness of this frontage for retailing or the Prime Shopping Quarter'.

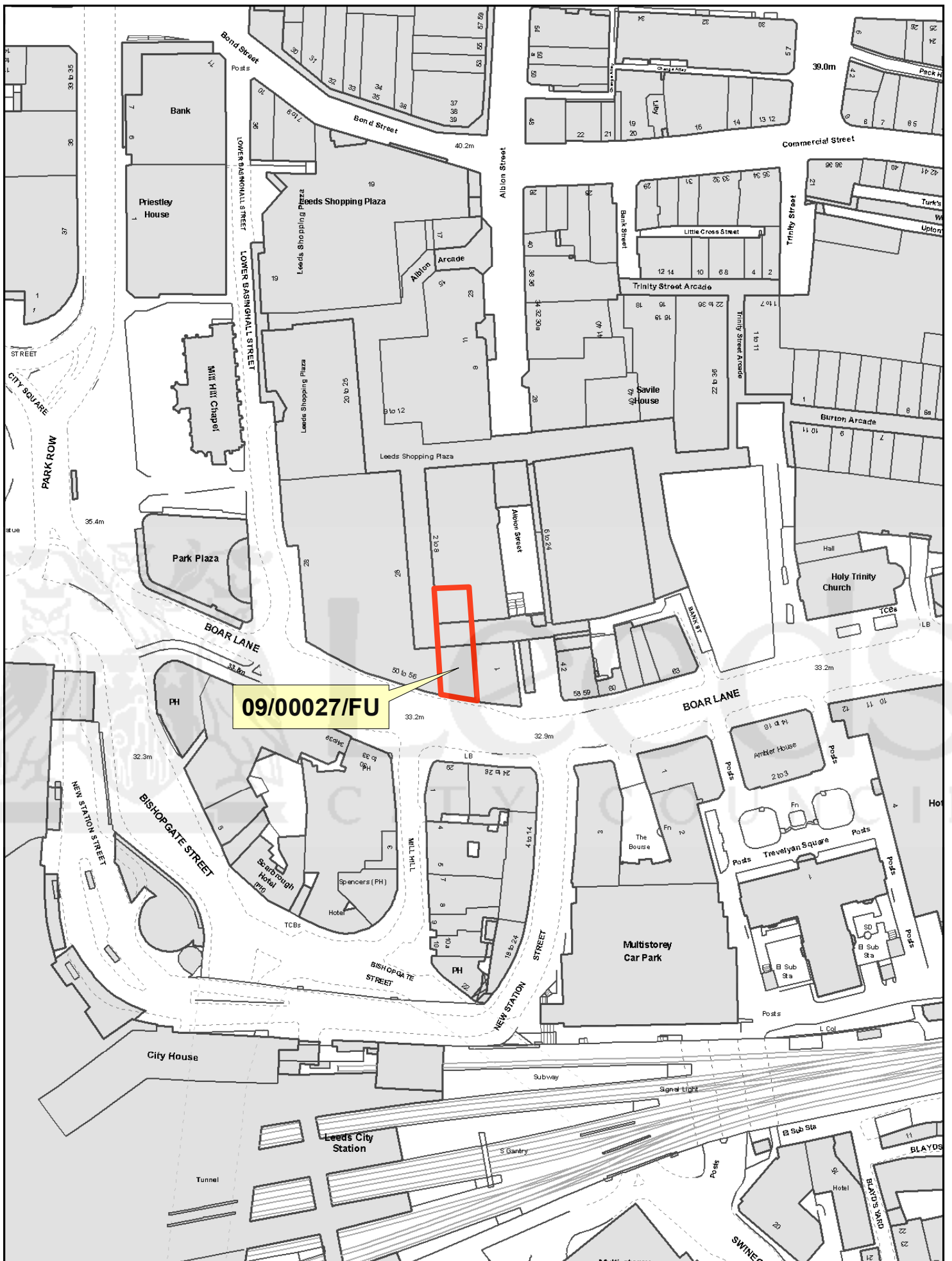
The Inspector concluded that that 'the continued use of No. 55 Boar Lane as an Amusement Centre and Café would not unacceptably affect the vitality and viability of the Prime Shopping Quarter and as such would not conflict with the objectives of development plan policy'

2.0 **DECISION**

The appeal was allowed by letter dated 23 September 2009, subject to conditions to cover the requirement for clear glazed shop front windows containing an appropriate window display, and stating that the premises shall be used only for the playing of amusement with prizes machines within categories B, C and D of the Gambling Act 2005.

3.0 **IMPLICATIONS FOR COUNCIL**

The refusal given was in line with shopping frontages policy but the Inspector noted that the unit had been in operation under temporary permissions for a number of years and there was no evidence of harm to the retail frontage. It would indicate strongly that there is the need to give greater weight to the merits of the individual case and the potential harm rather than adhere to a policy based decision, especially at the current time when attracting new A1 retail occupiers is problematic. Officers would always take this approach but in this case felt the use was inappropriate on a permanent basis in a primary frontage.



09/00027/FU

CITY CENTRE PANEL



Scale 1/ 1500

PRODUCED BY COMMUNICATIONS, GRAPHICS & MAPPING, LEEDS CITY COUNCIL
 This map is based upon the Ordnance Survey's Digital data with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
 (c) Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 (c) Crown Copyright. All rights reserved. Leeds City Council O.S. Licence No. - 100019567

