



**Report of the Chief Planning Officer**

**PLANS PANEL WEST**

**Date: 01 March 2012**

**Subject: APPLICATION NUMBER 11/05337/FU – RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF FIRST FLOOR FROM PRIVATE MEMBERS POOL/SNOOKER CLUB TO FORM BAR (A4) AT 13A NORTH LANE, HEADINGLEY, LEEDS. LS6 3HG**

**APPLICANT**

WD Bar Leeds Ltd

**DATE VALID**

23<sup>rd</sup> December 2011

**TARGET DATE**

13<sup>th</sup> March, 2012

**Electoral Wards Affected:**

Headingley

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**RECOMMENDATION:**

**Grant permission subject to the following conditions.**

1. Standard 3 year time limit.
2. Details of approved plans
3. The opening hours of the premises shall be restricted to 10.00 hours to 00.00 hours Mondays to Saturdays and 11.00 hours to 23.00 hours on Sundays (these hours are those permitted under the current alcohol and recorded music license)
4. The outside dining area shall not be used after 23:00 hours Mon-Sat or 22:00 hours Sundays.
5. The bar shall not be operated separately from the ground floor premises.
6. No consumption of alcohol outside the premises.

**1. INTRODUCTION:**

- 1.1. This application is brought before Members at the request of Ward Councillor Martin Hamilton on the grounds that the proposal would result in an unacceptable increase in the number of bars in the Headingley Town Centre.

## **2. PROPOSAL:**

- 2.1. The proposal seeks to change the use of a Private Members' club at first floor level to a bar (A4), forming part of the existing bar to the ground floor.
- 2.2. The premises already operate as applied for and this application is therefore retrospective.

## **3. SITE AND SURROUNDINGS:**

- 3.1. The Property is a commercial unit on two levels with a further mezzanine level within the first floor. The ground floor operates as a bar and restaurant and has recently been granted a Lawful Development Certificate for this use. For a number of years the premises operated as the Citrus Café Bar but has recently changed to the Voodoo Bar. The first floor is also fitted out and used as a bar and there is a mezzanine area used as a pool and snooker games area. The premises operate as a single bar on ground and upper floors and there is an outside drinking and dining area which forms part of a pedestrianised space which adjoins the side of the building.
- 3.2. The site is located within Headingley Town Centre and in a Secondary Shopping Frontage and is in Headingley Conservation Area.

## **4. RELEVANT PLANNING HISTORY:**

- 4.1. Following a review of the Council's records the following planning history on the site is considered relevant:-
  - **11/04947/CLP:** Certificate of Lawful Use for use of first floor and mezzanine area as bar (Class A4). Refused 25/01/2012.
  - **11/04949/CLE:** Certificate of Lawful Use for bar/restaurant (ground floor only). Approved 25/01/2012.
  - **26/24/01/FU.** Change of use of shop to takeaway hot food shop and restaurant. Approved 26/01/2001
  - **26/269/99/FU:** Change of use of first floor offices to private members club – Approved subject to a condition which states that the premises shall not be used other than for private members pool/snooker club, nor any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

## **5. HISTORY OF NEGOTIATIONS:**

- 5.1. There have been no negotiations or pre-application discussions prior to this application being submitted.

## **6. PUBLIC/LOCAL RESPONSE:**

- 6.1. This application was advertised by Site Notice on 27/01/2012. 6 letters of representation have been received from local residents and other interested parties, which are all letters of objection including one from Ward Councillor Martin Hamilton. These representations refer to the cumulative impact of an additional bar in the vicinity which is likely to result in unacceptable levels of anti-social activity, noise and litter. Reference is also made to the City Council's cumulative impact policy although this is considered to be primarily a Licensing issue.

## **7. CONSULTATION RESPONSES:**

### **NEIGHBOURHOODS AND HOUSING:**

7.1. No objection to the current scheme.

### **ENTERTAINMENT LICENSING**

7.2. The premises are licensed for the sale of alcohol and performance of recorded music on the ground floor, first floor and mezzanine levels.

7.3. There is no record of any complaints to either the Local Licensing Authority or Environmental Health relating to the current use.

## **8. PLANNING POLICIES:**

8.1. As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

### **Development Plan:**

8.2. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

- Policy GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.
- Policy S2 refers to the appropriateness of development within Defined Town Centres.
- Policy T2 seeks to avoid any harm or detriment to all users of the highway.
- Policy T7a states that all development must provide adequate and secure means of cycle storage.
- Policy T24 sets out specific criteria for parking provision.

### **Supplementary Planning Guidance**

Headingley and Hyde Park Neighbourhood Design Statement 2010

### **National Guidance/Statements:**

8.3. In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be relevant, including;

- PPS-1 – Delivering Sustainable Development This PPG sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- PPS-4 Planning for Sustainable Economic Growth. This sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

## **9. MAIN ISSUES:**

9.1. Having considered this application and representations, it is the considered view that the main issues in this case are:

- Impact on the vitality and viability of the Town Centre
- Impact on the living conditions of neighbouring residents

## 10. APPRAISAL:

### **Vitality and viability of the Town Centre:**

10.1. The site is in a Secondary Shopping Frontage within the Headingley District Centre. As the proposal is at first floor level, however, there are no issues with regard to the potential loss of a retail unit within the Secondary frontage.

### **Intensification of use and residential amenity**

10.2. Planning permission was granted in 1999 for use of the upper floor of the premises as a snooker/pool club. Conditions attached to this permission state that : -

*The premises shall not be used other than for private members pool/snooker club, nor any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification.*

And that:

*The premises shall be for the sole use of members as set out in the applicants letter and proposal statement date stamped 19th July 1999 and no members of the public shall make use of the premises or be served alcohol at any time.*

10.3. Despite these conditions it appears that the upper floors have been used as part of the public bar and restaurant use operating on the ground floor since 2004 and the drinks licence permits the premises to be used in this way.

10.4. A Lawful Development Certificate has recently been issued for the use of the ground floor premises as a bar (A4). The use of the ground floor as a bar is lawful because planning permission was granted for A3 use of the premises in 2001. At that time, the A3 Use Class comprised restaurants, bars and takeaways. There was no distinction in planning law between these uses. The applicant has been able to demonstrate that the ground floor was in use as a bar and restaurant in 2004 before the change to planning law occurring in 2005 which split restaurants, bars and takeaways into 3 separate classes, and the continuation of bar usage is therefore lawful.

10.5. The site faces onto North Lane in Headingley Town Centre in a commercial location which is well provided for with food and drink outlets and the Headingley Taps, a large pub, lies close by. There is however a street of terraced houses to the rear of the premises on Grunberg Road and there are residential properties above the neighbouring retail unit and on the opposite side of North Lane.

10.6. It is considered that the main issue here is whether the use of the premises as a single bar, as compared with the use of the ground floor as a bar and the upper floors as a separate club, would unacceptably impact on residential amenity to the extent that refusal of permission could be justified. It is considered that there is no basis on

which such an unacceptable impact on residential amenity could justifiably be claimed. This view is based on the context of the site being within a defined town centre location which has many food and drink outlets and high levels of activity in the evenings as a consequence. The main entrance to the bar is away from properties located on Grunberg Road and on the opposite side of the road from other residential units on the opposite side of North Lane which are all set back from the highway by at least 22 metres.

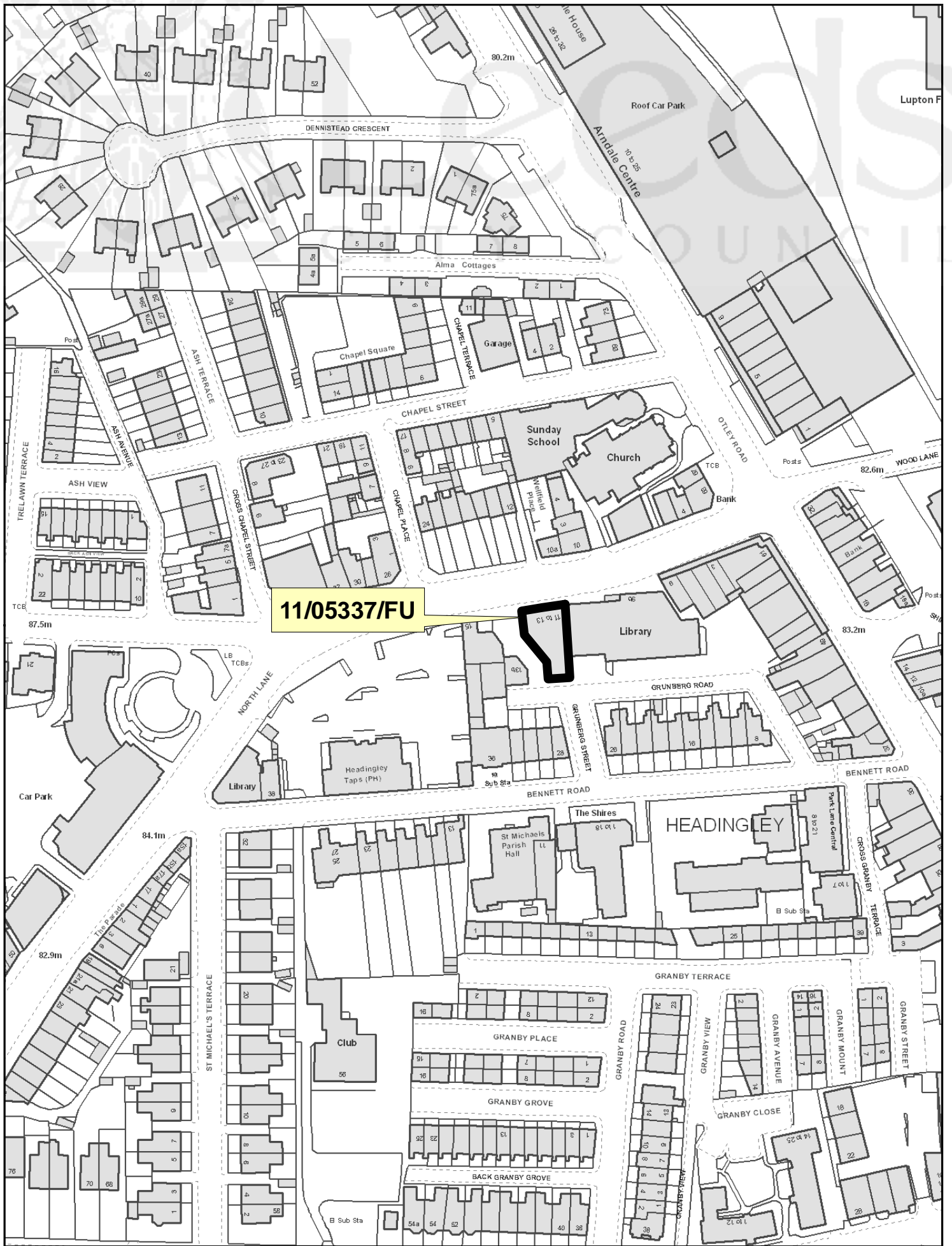
10.7. In addition the premises appear to have operated as a single bar/restaurant since 2004 and are currently licensed to operate as such without complaints being received.

## **11. CONCLUSION:**

11.1. Officers consider that the proposed use of the premises as a bar is an acceptable use in this town centre location and that unacceptable impact on nearby residents occurring as a result of this proposal cannot be demonstrated. Approval is therefore recommended subject to the conditions outlined at the head of this report.

### **Background Papers:**

Application and history files.



11/05337/FU

# WEST PLANS PANEL

