



Report of the Chief Planning Officer

PLANS PANEL CITY CENTRE

Date: 30th August 2012

Subject: APPLICATION 11/04987/FU – TWO STOREY AND SINGLE STOREY SIDE EXTENSION TO FORM ENLARGED MUSIC VENUE WITH ROOF BAR AND TERRACE OVER AT THE FAVERSHAM, 1-5 SPRINGFIELD MOUNT, WOODHOUSE, LEEDS, LS2 9NG

APPLICANT

Sound Trading – Mr S Allison

DATE VALID

24/2/12

TARGET DATE

20/4/12

Electoral Wards Affected:

Hyde Park and Woodhouse

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 conditions and reason for approval set out in Appendix 1 (and any others which might be considered appropriate)

1.0 INTRODUCTION:

1.0 An extension to the Faversham public house is proposed to create a purpose built music venue. A number of objections have been submitted regarding the application including objection from Cllr Harper and the Little Woodhouse Community Association. Due to the sensitive nature of the application and level of objection the application is presented to Panel for determination.

2.0 PROPOSAL:

2.1 An extension to the Faversham is proposed to create a purpose built venue capable of accommodating the music, wedding, parties and other events currently held within the existing building. This purpose built venue will allow the applicant to return the existing building to a traditional pub.

- 2.2 The existing extension, conservatory, raised decking and triple garage will be removed to accommodate the extension. The extension is part single storey part two storey with a flat roof to the majority of the single storey extension that will provide a terrace area. The ground floor includes bars and function space with stage plus back of house and toilet facilities. There is also an enclosed courtyard that acts as the smoking area that will include cycle parking. The two storey element includes another bar that provides access out onto the roof terrace. The overall increase in A4 premises is 629m².
- 2.3 The single storey element of the extension is proposed to be finished in red brick to match the existing building with the upper levels being faced in a dark slate cladding. The plinth is in a darker red brick with the limited window and door openings being dark grey polyester powder coated aluminium. The extension is connected to the existing building by a single storey glazed link.
- 2.4 A small extension to the opposite, northern, side of the building is also removed and the original entrance door reinstated that will provide access into the pub.
- 2.5 The site layout is amended to accommodate the extension and appropriate servicing. Parking is reduced from 49 spaces to 27 but with two disabled spaces added and both short and long stay cycle parking. Existing trees are retained and three new trees planted.
- 2.6 The proposed hours of opening reflect the existing license for the Faversham, 1100-0630 Monday to Friday, 1100-0930 Saturday and 1100-0630 on Sundays and Bank Holidays. The Faversham currently opens during these hours.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application relates to the Faversham public house on Springfield Mount. The site can also be accessed from Hyde Terrace to the southwest. The site is located adjacent to the Education Quarter and within the Woodhouse – Clarendon Road Conservation Area. The surrounding area includes University, hospital and residential premises and the Covance medical testing facility immediately adjacent. There are listed buildings in the vicinity of the site including Springfield House (part of the Covance facility), the E.C. Stoner building across Springfield Mount and a number of properties on Hyde Terrace (all grade II listed).
- 3.2 The Faversham operates as a pub but also hosts a significant number of music concerts plus other events such as weddings, art exhibits and parties. The current license permits opening hours of 1100-0630 Monday to Thursday, 1100-0930 Friday and Saturday and 1100-0630 on Sundays.
- 3.3 There is an area of green space within the car park and a number of mature trees.
- 3.4 Much of the existing parking on site is contracted out to other businesses for long stay parking, enforcement action is being sought to remove these contract spaces.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There are no planning applications on the site since 1991. All current extensions and alterations to the Faversham relate to planning applications approved prior to 1991.

4.2 12/00634/UCU3: Ongoing enforcement case investigating the contract parking at the site.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Pre-application discussions commenced in March 2010. Planning, conservation and design officers were involved in pre-app meetings prior to the application being submitted in February 2012. These meetings focused on the noise impact and design of the extension. One further design/conservation meeting took place after the application was submitted.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 Site notices were posted 9/3/12 and an advert placed in the Leeds weekly News 8/3/12. Letters of representation were received and are summarised below.
Response: All comments relating to noise and disturbance are addressed in the appraisal section below, responses are given to all other issues.

6.2 Cllr Gerry Harper objects to the proposal stating that the Faversham already causes noise and other disturbance to local residents.

6.3 Little Woodhouse Community Association (LCWA) object to the proposals and state the following:

- The Faversham is within the Cumulative Impact Policy Area 1 where guidance states license applications to increase or amend current licences should be refused. *Response: The application must be assessed against planning policy and not licensing policy.*
- The premise is within a conservation area. *Response: The proposal is considered to preserve the character of the conservation area as highlighted in the appraisal section below.*
- There are also mature students with young families in the area.
- Local residents will need triple glazing to prevent noise entering into their premises and there are particular concerns regarding the outdoor terrace.
- The increased footfall and vehicle movements will increase noise and potentially crime and disorder at the local highway and pedestrian routes.
- The applicant's assertion that there are good public transport connections in the area is not correct. *Response: The site is located close to the city centre in a highly accessible location and close to many of its patrons.*

6.4 A response submitted on behalf of the University of Leeds object to the proposals. There are 90 students and 25 young families living on Springfield Mount and around 650 students at Charles Morris Hall that would suffer from disturbance from the venue itself plus visitors coming and going. The University would object to any amendment to the premise license.

6.5 Covance, the clinical research unit adjacent to the Faversham object.

- There is already noise disturbance and the LCC Environmental Protection Team are monitoring this. There have been four registered disturbances this year (up to 20/4/12) between 12am and 6am. To increase the size of the venue would increase the potential for disturbance.
- Faversham patrons use the Covance site as a cut through sometimes urinating in the car park and vehicles have been damaged by bottles being thrown over the wall from the Faversham into the car park. *Response: The management plan to be agreed by condition will help address matters such*

as this. However, the applicant cannot control people once they have left the site.

- The Covance car park is used by taxis collecting from the Faversham that causes disturbance. This disturbance would be increased if the capacity is increased. *Response: The traffic management plan seeks to address this issue.*

6.6 Two letters of objection have been received from local residents.

- The proposal fails to preserve or enhance the conservation area as it appears discordant with windows that do not respect the existing. *Response: As discussed in the appraisal section below, the proposal is considered to respect the scale of the existing and preserves the character of the conservation area.*
- It will exacerbate the parking problems in the area. *Response: Sufficient parking is provided for the proposed uses.*
- The proposal would lead to more families leaving the area and the intensity of student occupation would increase contrary to the aims of policy H15. *Response: Amenity is to be protected and should be improved with regard to the current situation therefore it is not considered this application will cause families to leave the area. Policy H15 is not relevant to this application.*
- It would increase noise disturbance.
- The proposal would deter new families and residential developments in the area. *Response: See point above, this is not considered to be the case.*
- The noise assessment is insufficient.
- Even students do not want an increase in noise disturbance.
- The Faversham was originally two villas and was only converted to a hotel in the Twentieth Century.

7.0 CONSULTATIONS RESPONSES:

7.1 Non-statutory:

7.2 Highways: The Deliveries Management Plan and Travel Plan Statement are acceptable. The provision of 27 parking spaces is sufficient for the accommodation provided the contract spaces are removed.

7.3 Neighbourhoods and Housing: Complaints have been received regarding noise emanating from the premises and due to patrons outside/leaving the premises. There are no objections to the principle of the extension provided the measures recommended in the noise report including the noise testing is carried out. The outdoor terrace should not include any speakers and should not be used between 2100-1100. The smoking area must comply with relevant legislation. Conditions, primarily relating to noise control are recommended.

7.4 Access: Clarification was sought regarding the provision of disabled access through the existing building and extension. Following clarification of the disabled access arrangements (detailed in the appraisal section below) there is no objection from Access colleagues.

7.5 Licensing: A new premise license may be required. The site is located within Cumulative Impact Policy Area 1.

7.6 Contaminated Land: No objection subject to standard conditions.

7.7 Streetscene Services: It is unlikely the refuse collection will be altered.

7.8 Public Rights of Way: No PROW cross or abut the site.

7.9 Public Transport Contributions Officer: No contribution is required.

8.0 PLANNING POLICIES:

8.1 Regional Spatial Strategy (RSS): The RSS for Yorkshire and Humber was adopted in May 2008. The vision of the RSS is to create a world-class region, where the economic, environmental and social well-being of all people is advancing more rapidly and more sustainably than its competitors. Particular emphasis is placed on the Leeds City Region. There are no RSS policies of particular relevance; all issues are covered by the Leeds Unitary Development Plan Review (2006) (UDPR) policies identified below.

8.2 UDPR Designation: The site is within the defined City Centre boundary and Woodhouse - Clarendon Road Conservation Area.

GP5: Proposals should resolve detailed planning considerations.

GP11, GP12: Sustainable design.

BC7: Use of local materials in Conservation Areas

BD6: Extensions and alterations should respect scale, form, detailing.

T2: Development proposals should not create new, or exacerbate existing, highway problems.

T2C: Travel Plans

T5: Satisfactory provision for pedestrians and cyclists.

T6: Satisfactory disabled access within highway, paving schemes and new development.

T24: Parking to reflect detailed UDP parking guidelines.

A4: Development and refurbishment proposals should be designed to secure a safe and secure environment, including proper consideration of access arrangements.

SA8: Promotes 'access for all'.

SA9, SP8: Promote development of City Centre role and status.

N12: Fundamental priorities for urban form.

N13: Requires all new buildings to be of high quality and have regard to character and appearance of surroundings.

N19: Development within or adjoining Conservation Areas should preserve/enhance the character and appearance of the Conservation Area.

N26, LD1: Identifies requirements for landscape schemes.

8.3 Supplementary Planning Documents:

Little Woodhouse Neighbourhood Design Statement (2011) (LWNDS). The LWNDS identifies the Faversham as a 'building of interest' with the car park area identifies as a 'space in need of enhancement' and the rear elevation being a 'frontage in need of enhancement'.

8.4 National Planning Guidance:

The National Planning Policy Framework (NPPF) came into force on 27th March 2012. The NPPF states that unless material considerations indicate otherwise development proposals which accord with the Development Plan should be approved. The framework, which includes guidance regarding building a strong, competitive economy, ensuring the vitality of town centres, promoting sustainable transport, and conserving the historic environment, is a material consideration.

9.0 MAIN ISSUES

- Principle of development.
- Amenity.
- Visual amenity including the impact on the character of the conservation area.
- Highways issues.
- Access.

10.0 APPRAISAL

10.1 Principle of development

10.2 The site currently provides for a large A4 drinking establishment within the main building, conservatory and terrace area. The premises has long hours of opening (up to 0630 weekdays and 0930 at weekends) and regularly holds concerts, weddings and other large and late night events. On the basis of the current operations the principle of an extension to the existing premises is considered acceptable subject to detailed amenity and highway considerations examined below. The site is unallocated in the UDPR with the exception of its conservation area designation therefore there is no policy objection to the principle of development.

10.3 Amenity

10.4 As highlighted above, the Faversham currently operates long hours and acts as a venue for concerts, weddings and other similar events. It is fully accepted that the premises is located in a part-residential area that includes residential units to the immediate boundaries of the property. The proposed extension is intended to help reduce the impact on nearby properties by creating a purpose built venue with sound insulation provided to strict modern standards rather than continue to operate from an older building and glazed conservatory where sound insulation is more difficult to achieve.

10.5 Environmental health colleagues have considered the submitted noise report and have concluded that the proposal can be considered acceptable provided the recommendations contained within the report are carried out and sound testing takes place to achieve an agreed level prior to the venue opening. The noise mitigation measures highlighted in the report are outlined below.

10.6 The noise report recommends noise limiters are used in the existing pub that will only operate as a more traditional pub with lower levels of amplified music. Entrances doors should not be left ajar.

10.7 Secondary glazing is recommended to the ground floor function room with further solid wooden doors that close into the openings. The ceiling should be built off the walls with dense blockwork used and the internal blockwork should be painted rather than plastered to increase noise absorption. Recommendations are also made regarding the type of doors, materials used in entrance areas and that only one sound system should be used so the Faversham management can control the levels.

10.8 Timber baffles and a pitched roof are recommended to prevent significant noise spillage from the smoking courtyard at ground level. The pitched roof has already been incorporated into the design.

- 10.9 In the first floor bar, it is intended to have more relaxed music and the noise report recommends this to be no louder than figures identified in the report, noise limiters will be required to ensure this is achieved. Mitigation in the form of glazed screens and reflective back walls are identified as being possible for the outdoor terrace. However, the report states the noise control of this area will largely be down to the management control.
- 10.10 As stated above, the Environmental Health Officer has accepted the noise report and provided its recommendations are carried out and tested the application can be accepted. A detailed sound insulation condition will be added to the application to cover this issue.
- 10.11 The sound insulation condition will also require a full management plan to identify how the applicant will control patrons and taxis visiting the premises and using the outdoor terrace. Whereas there are no controls over this at present, it is understood the applicant does attempt to manage patrons and taxis to ensure disruption is kept to a minimum. It is felt a controlled management scheme agreed with the Council will allow for greater control of the site and an improvement in the level of amenity of adjacent premises.
- 10.12 The hours of use of the outdoor terrace will also be restricted by condition as requested from the Environmental Health Officer (EHO). The EHO recommends the terrace is not used between 2100-1100. However, preventing use between 2200-1100 is considered a more appropriate balance for ensuring amenity is protected whilst still permitting sufficient use of the terrace.
- 10.13 The proposed extension is sought to allow more order to be introduced to the operation of the Faversham by separating the concert/wedding function of the premises from the pub element. This will allow for both the existing and proposed buildings to be managed more appropriately and incorporate sound insulation to modern standards. There is no planning control over the existing premises therefore with the addition of appropriate conditions future operations at the Faversham can be fully controlled to ensure amenity is protected and improved.
- 10.14 The two-storey element of the proposal is adjacent to the side gable of the residential terrace building behind that only includes small windows that are believed to serve non-sensitive accommodation. The pitched roof adjacent to the garden area of the residential property slopes away from the residents and will have no greater impact than the sloping roof the existing triple garage. Due to the scale and form of the proposal it is considered there will be no overshadowing or overdominance.
- 10.15 Visual amenity including the impact on the character of the conservation area
- 10.16 The proposed extension has been subject to detailed scrutiny by design and conservation officers and is considered to be a simple and subservient addition to an attractive building. The proposal requires the removal of a mis-match of extension, conservatory and triple garage/store that are considered to detract from the main building and conservation area.
- 10.17 The new extension has its building line behind that of the main building with the ground and first floor ridge levels matching the existing. The ground floor of the extension will be in matching brick work with the external walls to the first floor hung with slate to respect that on the roof of the existing. Window frames will be in

aluminium, a material regularly used in the conservation area, and will be painted grey to match those on the existing.

- 10.18 The proposed extension has a simple design as determined by its function with a large flat roof and small pitched roof elements. The form allows the building to remain subservient to the main building whilst still portraying some of its characteristics including window proportions, pitched roofs and materials.
- 10.19 The contemporary appearance of the extension is considered to give a clear distinction between the two elements but with the lightweight glazed link providing a subtle connection. There are other contemporary buildings in the locality including large extensions recently approved by Panel on the adjacent site, 20-28 Hyde Terrace.
- 10.20 The removal of the extension at the northern end of the building and reinstatement of the original entrance to provide access to the pub is considered to be a positive step forward and will enhance the character of the conservation area.
- 10.21 The changes to the parking layout will remove a section of the grassed area. This area is not prominent in the conservation area and because there are new trees and shrub planting proposed and those existing trees retained and protected, this minor loss of greenspace is considered acceptable.
- 10.22 Highways issues
- 10.23 Highways have agreed a traffic management plan that identifies delivery hours between 0800-1200 and ensures all vehicles arrive and depart from Springfield Mount. Only taxis that have been pre-booked will be permitted to collect from the site and at busy events, taxis will be told to enter the site from Hyde Terrace and exit onto Springfield Mount to ensure patrons are collected quickly and therefore avoid excessive noise and disturbance within the site.
- 10.24 The parking on site is reduced from 49 spaces to 27. This level of parking in a sustainable central location is considered sufficient by highways officers for the level and type of accommodation provided. The site is within close proximity to the city centre and it is understood most patrons arrive on foot and do not require parking. Many of the existing spaces are unlawfully contracted out to local businesses and enforcement action is being sought to ensure these contracts cease and therefore ensure all the proposed 27 parking spaces are made available for the proposed use.
- 10.25 Access
- 10.26 Level access is provided into both the pub and venue space. To keep the height of the venue space to a minimum, it was not possible to maintain level access from the pub to the venue. However, as these spaces will operate independently patrons of the venue will have to enter from the main external entrance and level access between the two is not required. A lift is provided within the venue space to provide access to the upper level. Two disabled parking spaces are proposed in the car park. The Access officer has accepted the arrangements outlined above.

11.0 CONCLUSION

- 11.1 The proposed extension will create a purpose built venue space and therefore allow for greater control of the busy and late night activities that currently take place at the Faversham. This will benefit residents in the area as there is no planning control on

activities at the moment and new sound insulation and management control will help reduce disturbance. The extension is considered to respect the existing building and preserve the character of the conservation area whilst retaining sufficient parking for the proposed uses. The Faversham is a long established and popular venue and approving this application will ensure its continued success but in a controlled and managed way to ensure it is compatible with its neighbours.

Background Papers:

Application file 11/04987/FU.

Certificate of Ownership signed by the agent.

11/04987/FU - APPENDIX 1

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Imposed pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

For the avoidance of doubt and in the interests of proper planning.

- 3) Prior to the commencement of construction works, full details of the sound insulation measures to be incorporated into the construction of the extension shall be submitted to and agreed in writing by the Local Planning Authority. Such measures shall be designed to ensure noise from within the extension cannot be heard at the adjacent premises and include those recommended in the Environoise Noise Impact and Refurbishment Assessment dated 21/7/11 submitted with the application. The sound insulation measures as approved shall be fully implemented prior to first occupation of the extension and be retained and maintained thereafter.

In the interests of amenity in accordance with adopted UDPR policy GP5.

- 4) Prior to first occupation of the approved extension a noise management plan shall be submitted to and agreed in writing by the Local Planning Authority. The noise management plan shall highlight the measures the applicant will take to minimise noise and disturbance to nearby residents from patrons at the premises and when they arrive and leave the premises and shall include the following:
 - Details of how staff will actively manage the behaviour of patrons within the site including those in the smoking area and on the roof terrace.
 - Signage to be incorporated around the site requesting patrons leaving the premises are quiet in the surrounding streets and do not use the Covance site as a cut through.
 - Measures undertaken to control how taxis drop off and pick up from the site.
 - The level of music to be played within the existing pub.

The noise management plan shall be in operation at first occupation of the approved extension and be adhered to thereafter. Any alterations to the noise management plan shall be agreed in writing by the Local Planning Authority.

In the interests of amenity in accordance with adopted UDPR policy GP5.

- 5) Patrons shall not be allowed to use the first floor roof terrace between 2200 hours and 1100 hours on any days without the prior approval of the Local Planning Authority.

In the interests of amenity in accordance with adopted UDPR policy GP5.

- 6) The local planning authority shall be notified in writing immediately where unexpected significant contamination is encountered during any development works and operations in the affected part of the site shall cease.

Where remediation of unexpected significant contamination is considered by the Local Planning Authority to be necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of development on the affected part of the site. The Remediation Statement shall include a programme for all remediation works and for the provision of verification information.

Remediation works shall be carried out in accordance with the approved Remediation Statement. On completion of those works, the Verification Report(s) shall be submitted to the Local Planning Authority in accordance with the approved programme. The site or phase of a site shall not be brought into use until such time as all necessary verification information has been approved in writing by the Local Planning Authority.

To enable the local planning authority to ensure that unexpected contamination at the site will be addressed appropriately and that the development will be suitable for use in accordance with national and Leeds City Council's planning guidance.

- 7) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, public open space or for filling and level raising shall be tested for contamination and suitability for use. A methodology for testing these soils shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto site. The methodology shall include information on the source of the materials, sampling frequency, testing schedules and criteria against which the analytical results will be assessed (as determined by risk assessment). Testing shall then be carried out in accordance with the approved methodology. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the Local Planning Authority prior to these materials being imported onto the site.

To ensure that contaminated soils are not imported to the site and that the development shall be suitable for use with respect to land

contamination in accordance with national and Leeds City Council's planning guidance.

- 8) Notwithstanding the details shown on the plans hereby approved and prior to the commencement of development, full details of the facilities for the parking of cycles within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle parking facilities thereby approved have been provided. The facilities shall thereafter be retained and maintained as such.

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

- 9) Development shall not be occupied until all areas shown on the approved plans to be used by vehicles have been fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway. These areas shall not be used for any other purpose thereafter.

To ensure the free and safe use of the highway in accordance with adopted Leeds UDP Review (2006) policy T2 and Street Design Guide SPD (2009).

- 10) Unless otherwise agreed in writing by the Local Planning Authority, the approved Traffic Management Plan shall be implemented on first occupation and adhered to thereafter.

In the interests of highway safety and amenity in accordance with adopted UDPR policies T2 and GP5.

- 11) Upon first occupation of the approved extension the Travel Plan Statement shall be fully implemented and operated in accordance with the agreed details.

In the interests of encouraging transport other than single car occupancy in accordance with sustainable transport principles and adopted Leeds UDP Review (2006) policy T2C

- 12) Prior to the construction of external materials, full details and/or samples of all external facing materials (including walls, roofs, railings, windows, doors) shall be submitted to and approved in writing by the Local Planning Authority. The approved extension shall be constructed from the agreed materials and shall be retained and maintained as such thereafter.

In the interests of visual amenity and the preservation of the character of the conservation area in accordance with adopted UDPR policies GP5, BC7, BD6 and N19.

- 13) The parking at the site shall only be used by staff working at and visitors to those businesses operating from the site.

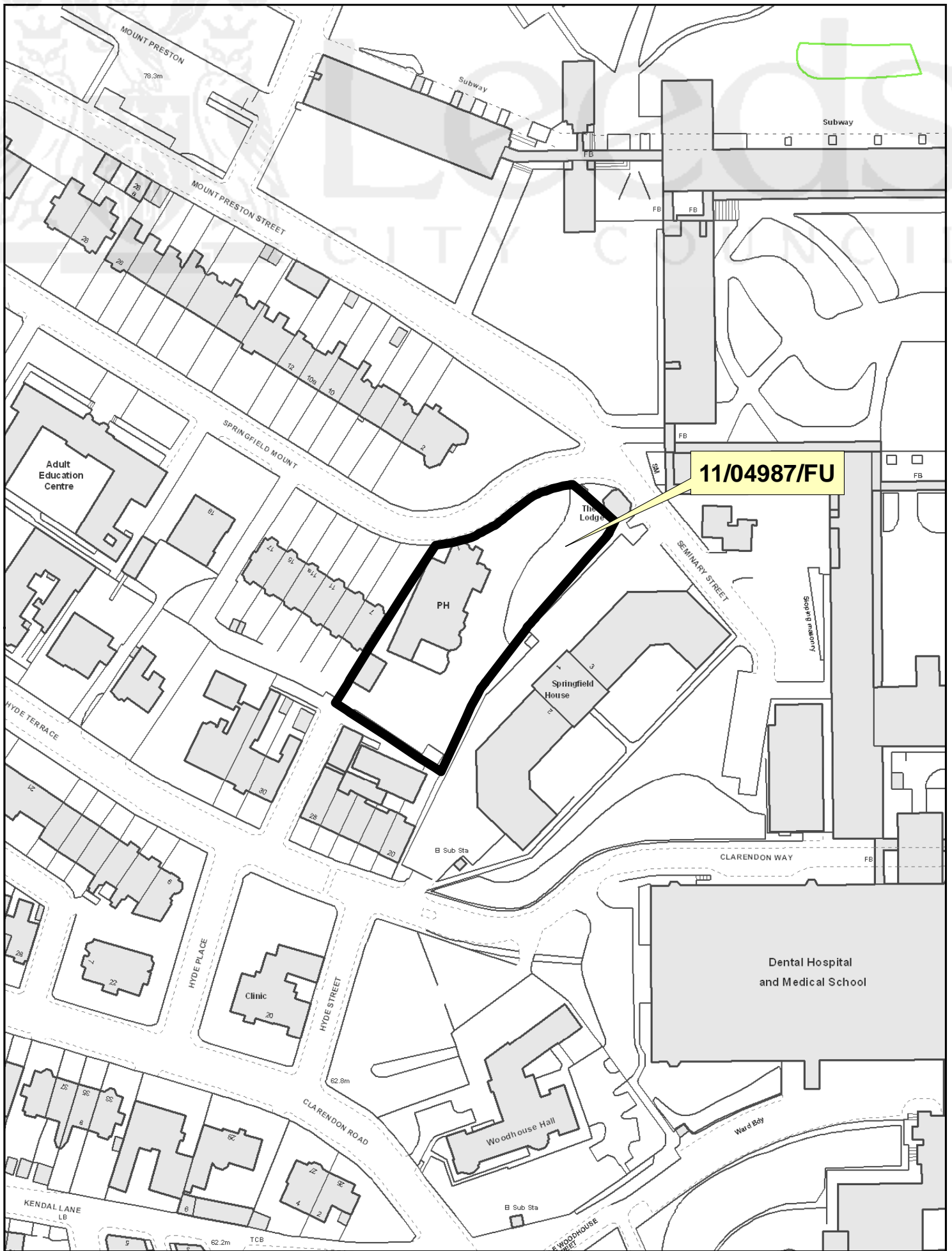
In the interests of highway safety and to accord with adopted UDPR policies T2 and T24.

Reason for Approval

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, GP11, GP12, BC7, BD6, T2, T2C, N19, A4, T6, T5, T24, SA8, SA9, SP8, N12, N13, N26, LD1.

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance.



CITY CENTRE PLANS PANEL

