
Case Number	17/05136/FUL
Application Type	Full Planning Application
Proposal	Change of use from former Members Club (Sui Generis) to Public House (Use class A4)
Location	The Polish Catholic Centre 518 - 520 Ecclesall Road Sheffield S11 8PY
Date Received	15/12/2017
Team	South
Applicant/Agent	MG3 Bars
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:

Site Location Plan received by the Local Planning Authority on 19th December 2017

Ground Floor Plan received by the Local Planning Authority on 9th January 2018

First Floor Plan received by the Local Planning Authority on 9th January 2018

Roof Plan received by the Local Planning Authority on 9th January 2018

Decking ramp location plan received by the Local Planning Authority on 21st March 2018

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

Other Compliance Conditions

3. A dedicated off street parking space for disabled persons shall be provided and clearly marked as such before the development is first brought into use. Such car parking shall thereafter be retained for the sole use of disabled persons.

Reason: In the interests of making appropriate provision for the disabled

4. No customer shall be permitted to be on the premises outside the following times: 0700 to 2230 hours Sundays to Thursdays and 0700 to 2330 hours on Fridays and Saturdays.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

5. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

6. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2000 on Mondays to Saturdays and between the hours of 0900 to 2000 on Sundays and Public Holidays.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

7. Customers shall not be permitted to use the external curtilage areas of the premises between the hours of 2100 and 1000 (the following day) other than for the purposes of access and egress.

Reason: In the interests of the amenities of the locality and of the adjoining property.

8. No amplified sound or live music shall be played within the commercial use(s) hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time. The specification, location and mountings of any loudspeakers affixed

internally to the building shall be subject to written approval by the Local Planning Authority prior to installation.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

9. Amplified sound or live music shall only be played within the building and in such a way that noise breakout does not exceed the prevailing ambient noise level by more than 3dB when measured at 1m from the façade of ;
- a) as a 15 minute LAeq, and;
 - b) at any one third octave band centre frequency as a 15 minute LZeq.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

10. The entrance door on the Wilson Road elevation shall only be used so as to provide access for disabled persons.

Reason : In the interests of the residential amenity of dwellings on Wilson Road.

11. No activity by staff members including smoking breaks shall occur on the Wilson Road hardstanding area between 2100 hours and 0700 hours Mondays to Saturdays and between 2100 hours and 0900 hours on Sundays and Public Holidays.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

12. No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building/s within the site of the development between 2100 and 0700 hours Mondays to Saturdays and between 2100 and 0900 hours on Sundays and Public Holidays.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

13. The first floor flat shall only be occupied by person/s employed in the functioning of the ground floor use.

Reason : In the interests of the amenity of the occupant of the flat

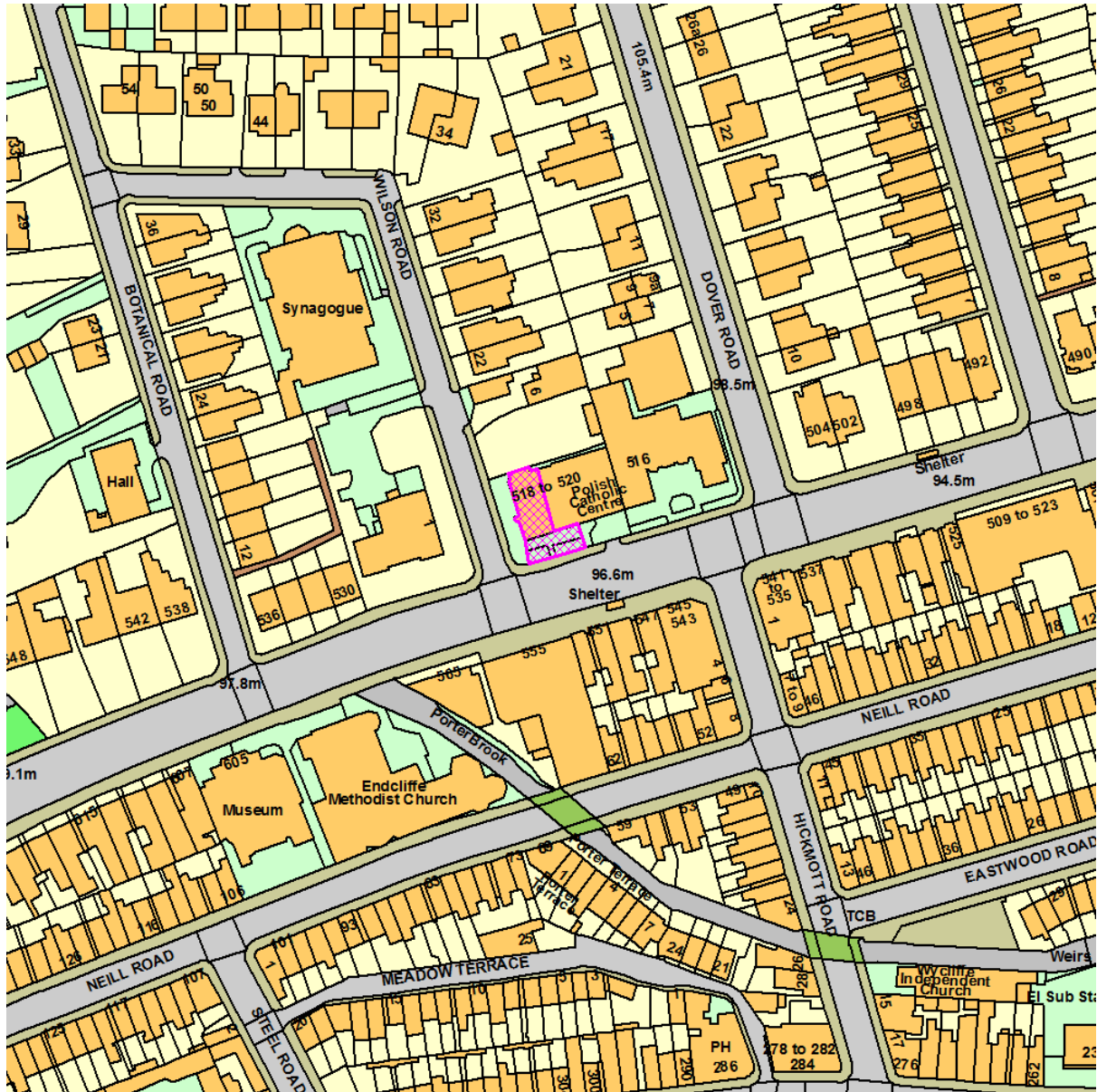
14. The gradient of the ramp providing access to the decked area on the Ecclesall Road frontage shall have a maximum gradient of 1:12

Reason : In the interests of providing suitable disabled access to the decked area.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

The application relates to a stone built property that previously formed part of the complex of buildings known as the Polish Catholic Club. The building lies at the junction of Wilson Road and Ecclesall Road.

The property is two storeys in height. The first floor contains former committee rooms towards the front of the building with a one bedroom flat located at the rear.

The current/most recent use would best be described as a Private Members Club

The site lies in an allocated Housing Area on the north side of Ecclesall Road. The curtilage of the building adjoins the Millennium Hall to the east, residential curtilage

to the north and to the west on the opposite side of Wilson Road there is residential accommodation in the form of flats.

On the Ecclesall Road frontage there is a recently approved raised area of decking behind the stone boundary wall. On the Wilson Road frontage there is an area of hardstanding immediately adjacent back edge of footway

The character of Ecclesall Road at this point is mixed. The south side of the road is exclusively commercial in nature and is allocated as District Shopping Area in the Unitary Development Plan. The north side is a mixture of residential and commercial properties, though residential is the dominant use, hence the Housing allocation in the UDP.

It is proposed to change the use of the premises to a bar (Use Class A4)

There is an existing license to sell alcohol at the premises but this is not a planning consideration

The intended hours of use stated in the application were to open until midnight but the Applicant has since agreed to limit hours to those required by the Council on other similar uses on Ecclesall Road.

RELEVANT PLANNING HISTORY

Permission was granted in 2018 (17/04189/FUL) for the provision of decking and balustrade to the Ecclesall Road frontage.

SUMMARY OF REPRESENTATIONS

There have been 18 representations (16 objections with 2 representations of support) regarding this application including submissions from:

Cllr Magid

The Botanical Gate Community Association

Botanical Area Community Association

Endcliffe Corner Community Organisation

Cllr Magid comments as follows:

- The property lies next door to the Pointing Dog which has had a massive impact on the lives of residents in the area in terms of traffic, parking, noise and associated issues. I would ask that conditions are applied that reflect the significant combined impact of these adjacent licensed premises on the lives of people living close by;
- The opening hours must be restricted in line with similar uses on Ecclesall Road

The Botanical Area Community Association comments as follows:

- Hours of operation should be limited in line with other similar establishments on Ecclesall Road;
- Some residents have from time to time been disturbed by late night noise from the Millennium Hall, which is part of the development;
- There is already a large cluster of bars and restaurants along this section of Ecclesall Road and the cumulative effect of these impacts on residential amenity.

The Botanical Gate Community Association comment as follows:

- The opening hours must be restricted in line with similar uses on Ecclesall Road

Endcliffe Corner Community Organisation:

- Object to the proposed opening times. The opening hours must be restricted in line with similar uses on Ecclesall Road

Summary of other points raised:

- Object unless robust conditions are in place to protect residents from unnecessary noise. Residents are regularly woken at night by drunken people screaming/yelling/singing/arguing as they leave the local bars;
- The proposal would exacerbate existing problems with traffic and congestion particularly taxis picking up and dropping off customers;
- There are already too many drinking establishments in the locality;
- This is not a small pub;
- The applicant has indicated that there are 4 parking spaces and this is woefully inadequate particularly since the spaces are so small that anyone parking a standard sized car in them will obstruct / block the pavement;
- Taxis turning in Wilson Road already reduce visibility at the junction making it difficult to navigate safely;
- Taxis using side streets to turn results in more noise disturbance and pollution;
- The only realistic disabled entrance is on Wilson Road and this would be compromised by having parking on the adjacent hardstanding;
- Committee should insist that this establishment uses their Ecclesall Road entrance as the main entrance and keep the Wilson Road one just for the disabled. The issue of where the main entrance to the pub will be is will dictate not only where noise will concentrate but also where taxis will gather and idle their engines while waiting for passengers;
- The closing time for the Beer Garden should be restricted to 9.30 pm;
- There is some concern that these people have not been properly consulted about the proposal and the effect it will have on them;
- noise from the Millennium Hall carries to our house from the clear storey windows above the flat roof of the hall;
- The role of the first floor rooms isn't specified;
- The management and staff should be limited in their operations outside the premises when putting out waste/having breaks.

Matters Raised That Are Not Material Planning Considerations Within The Remit Of This Application

- Rubbish and mess has increased with broken glass and vomit from the night before, and the inevitable spill over from industrial bins that are kept on the pavement;

- Driving along Ecclesall Road at peak drinking time is awful - as groups and individuals walk in front of traffic to cross from one bar to another;
- Required action relating to noise from the Pointing Dog roof equipment, particularly impacting residents at 6 Wilson Rd, remains outstanding;
- The Council has always welcomed and indeed encouraged the setting up of community groups in the city. Disappointingly though, when it comes to deciding planning and licensing applications scant regard is taken of their representations;
- Taxis wait with their engines running on double yellow lines on Ecclesall Road at the corner with Wilson Road. The problem with this is that it is dangerous because they block the view of residents who wish to drive down Wilson Road to turn onto Ecclesall Road;
- Cars routinely park on double yellow lines or pavements, taxis block the junctions;
- The idea that noise could be starting up again, possibly more insistent and more frequent than before, is very stressful. The Hall should have windows fixed, install double or secondary glazing on the NE & NW sides of the clear storey and limit opening hours to close at 11.30 p.m.

Letters of Support

- The property is empty and has been closed too long;
- Good for Sheffield;
- Good move;
- Strongly support

PLANNING ASSESSMENT

In this case then the key considerations should be considered in the light of policies in the Sheffield Unitary Development Plan.

The site lies within an allocated Housing Area and therefore the following policies apply:

Policy H10 indicates that A3 uses can be acceptable within Housing Areas subject to the checks and balances provided by Policy H14. The A4 use class had not been created at the time of the publishing of the UDP but the UDP does refer to 'food and drink' uses within this category.

Policy H14 'Conditions on Development in Housing Areas' states that non-housing uses are acceptable provided they:

- (i) occupy only a small area and not lead to a concentration of non-housing uses which would threaten the residential character of the Housing Area; and
- (k) not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby;

Dominance of Residential Use

This change of use would not represent a significant shift in the balance between residential and non-residential properties within the Housing Area as whole and as such is considered to satisfy Policy H14(i)

Residential Amenity

The nearest residential properties to the proposal would be the flat above, the property to the rear on Wilson Road (18 metres from the rear of the Polish Club, 32 metres from the front entrance) and the flats on the opposite side of Wilson Road (19 metres from the disabled entrance in the side elevation and 25 metres from the main entrance). The principal concern therefore relates to the potential for noise generation and subsequent disturbance to neighbouring dwellings and the flat above the premises.

With regard to the first floor flat the Applicant has indicated that the flat will not be let separately from the business and this precludes the necessity to impose a condition on any approval requiring wall/floor/ceiling noise attenuation between ground and first floor.

The potential for noise generated by customers entering and leaving the premises and noise at the rear of the premises that may arise from staff activity remain areas of concern.

With regard to the first of these it is accepted that Ecclesall Road itself is a well-travelled thoroughfare with a degree of background noise present. There is significant vehicular and pedestrian traffic in the locality into the evening hours and some of this persists into the late evening and night-time.

Night time site visits have been conducted in this locality in the relatively recent past (in connection with another change of use application on Ecclesall Road close to Wilson Road). These confirmed that there is significant vehicular and pedestrian traffic in the locality into the evening hours and some of this persists into the late evening and night-time though the overall background levels fall away after 23:30 hours. With this in mind it is felt that the movement of persons at the front of the premises is unlikely to lead to significant additional disturbance to occupiers of neighbouring dwellings during the evening hours provided that the use is limited in terms of opening hours in line with the Local Planning Authority's consistent approach to operational hours along Ecclesall Road (an approach that has been supported at appeal by the Planning Inspectorate).

Customers (except for disabled customers) would be prevented from using the side entrance door on Wilson Road by a condition imposed on any approval.

Having regard to the amenity of residential properties to the rear of the premises it is apparent that a trade 'kitchen' lies to the rear of the premises and the bin store lies within the external courtyard area close to the boundary.

It is considered likely that staff operating in these areas might want to open doors/windows onto external side and rear areas to remove waste/have breaks resulting in a potential for noise propagation in the quieter areas to the rear of the premises.

It is considered likely that there is some difference in ambient noise levels between the front and rear/side of the premises and if permission is to be granted there is a need to closely control staff activities to prevent noise breakout. It is considered unlikely that the noise 'events' of the type occurring at the front of the premises (visitors arriving/leaving chatting on occasions at heightened volume) would be replicated to the rear by staff. Nonetheless with lower background levels noise events such as bottles being discarded into bins are likely to 'spike' well above background.

To this end it is felt that a condition should be imposed restricting times that such activities can occur.

It is recommended that such hours be limited to prevent such activity between 21:00 hours and 07:00 hours on Mondays to Saturdays and 21:00 hours and 09:00 hours on Sundays and Bank Holidays.

Officers have previously raised concerns (on similar applications) with regard to the potential for noise generation on nearby streets through 'remote' parking of cars.

This concern formed the basis for a reason for refusal at 464 Ecclesall Road in 2012 (12/00214/CHU) but the implication of the Inspector's decision in that case was that such potential did not, in its own right, justify a reason for refusal.

Given the similarities with that case, the Inspectors comments on that appeal and taking into consideration the fact that the proposed use is less likely to generate vehicular traffic than, for example, a hot food take-away it is not felt that this concern represents a robust reason for refusal.

Amenity Issues other than Noise/Disturbance

In this case, given that there is no significant food preparation intended, the waste is likely to be limited largely to packaging/bottles rather than organic waste which tends to engender odours and potentially attract vermin.

It is not considered that the kitchen space would allow for significant intensification of food preparation at the premises but a condition should be added to ensure that no further external plant or flues can be attached to the outside of the building without LPA consent.

Given all of the above and suitably conditioned, the proposed change of use is considered acceptable with regard to UDP Policy H14.

Highway Issues

The site has very limited facilities for off-street parking and these are somewhat compromised by other on-site fixtures. Whilst the application indicates that the hardstanding on Wilson Road can accommodate 4 vehicles the length of the spaces is marginal and, as such, these cannot all be considered as viable/suitable parking. There is limited on-street parking available during the evenings when the pub is likely to be at its busiest and parking restrictions are not in force. A resident's parking scheme does exist on the surrounding residential streets which would restrict on street parking between 08:00 and 20:30 hours.

Notwithstanding all of the above it is considered highly likely that the great majority of the clientele will arrive at the premises on foot.

Taking these factors into consideration, and given the highly sustainable location, and large residential catchment within easy walking distance it is not considered that an absence of dedicated off street car parking represents a robust reason for refusal.

The proposed use is unlikely to differ in its servicing arrangements to the most recent use. As such it is not considered that the likelihood of service deliveries occurring from Wilson Road represents an adequate reason for refusal. However the hours of such deliveries should be limited in the interests of residential amenity

Accessibility

Disabled access can be achieved from Wilson Road as it has been for the Polish Centre. Accessible toilets are available in the Millennium Hall (the Applicant has provided evidence that these facilities will be available over the period of the lease even when the Millennium Hall is not in use).

Response to Representations

Matters relating to residential amenity have been dealt with in the main body of this report.

The matter of retail dominance/concentration of bars etc. in the locality is not material in this case as the site does not lie within the DSC.

The Millennium Hall does not form part of this application though the accessible toilets therein will remain available to disabled. This flexible arrangement is welcomed by the Local Planning Authority though the absence of such facilities within the red line itself would not form a robust reason for refusal.

The use of the Millennium Hall for booked events will not differ from current arrangements other than the fact that the bar under consideration in this application will have limited hours of use as opposed to the current situation where no limits apply other than those available through environmental health legislation.

Matters relating to residential amenity, highways and dominance have been dealt with in the main body of this report.

Matters relating to illegal parking and the littering/ anti-social behaviour by members of the public are not material planning considerations.

The application red line boundary excludes the Millennium Hall and therefore this space cannot be limited by condition. The activities within this space are not subject to planning control and to seek to condition the Hall retrospectively would be beyond the scope of this application.

A degree of interaction between this permission, should it be granted, and the Hall will remain but the most significant difference between the current and future situations, would be that the activities in this part of the building will be subject to planning control.

The decking area is already the subject of a condition as attached to permission 17/04189/FUL but this condition has been repeated on this application in the interests of clearly defining the new permission.

Summary and Recommendation

This is an application for a change of use of a private members club to a public bar. It is not considered that the scheme, with external seating area as previously approved, would introduce significant impact on the living conditions of neighbours from activity at the front of the building given the prevailing circumstances on Ecclesall Road.

The current use as a private members bar is historic and has no controls in place with regard to hours of use. Whilst the application may involve some intensification of the use of the premises a conditional approval will enable the Local Planning Authority to apply planning controls on this planning unit.

Potential disturbance to neighbours from activities at the side/rear can be mitigated by suitable conditions.

Subject to conditions the scheme is therefore considered acceptable with regard to Policy H14 of the Unitary Development Plan.
The proposal is therefore recommended for conditional approval.