
Case Number	13/00533/CHU
Application Type	Planning Application for Change of Use
Proposal	Use of building for Class A4 (Drinking Establishments) purposes
Location	The Players Lounge 20 Yew Lane Sheffield S5 9AN
Date Received	14/02/2013
Team	West and North
Applicant/Agent	John Gaunt And Partners
Recommendation	Grant Conditionally

Time Limit for Commencement of Development

Approved/Refused Plan(s)

1. The development shall be carried out in accordance with the following drawings:
 - Site Plan;
 - Drawing No. 004a (Proposed Ground Floor Plan);

received on the 10 May 2013 from John Gaunt and Partners

Reason: In order to define the permission

Pre-Commencement Condition(s)

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

Other Compliance Conditions

2. No live music or amplified sound shall be played outside the building at any time.

Reason: In the interests of the amenities of the locality and occupiers of the adjoining properties

3. The A4 use hereby approved shall only operate between the following hours:

0800 to 2330 (Sunday to Thursday)
0800 and 0030 hours the following day (Friday and Saturday)
0800 and 0030 (New Years Eve).

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

4. No live music or amplified sound shall be played within the building that exceeds the following noise levels when measured at the site boundary:

- (i) The background noise levels by more than 3dB when measured as a 15 minute LAeq, and;
- (ii) Any octave band centre frequency by more than 3 dB when measured as a 15 minute linear Leq

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

5. No drinks shall be consumed or taken outside the confines of the building after 2000 hours.

Reason: In the interests of protecting the residential amenity of neighbouring properties.

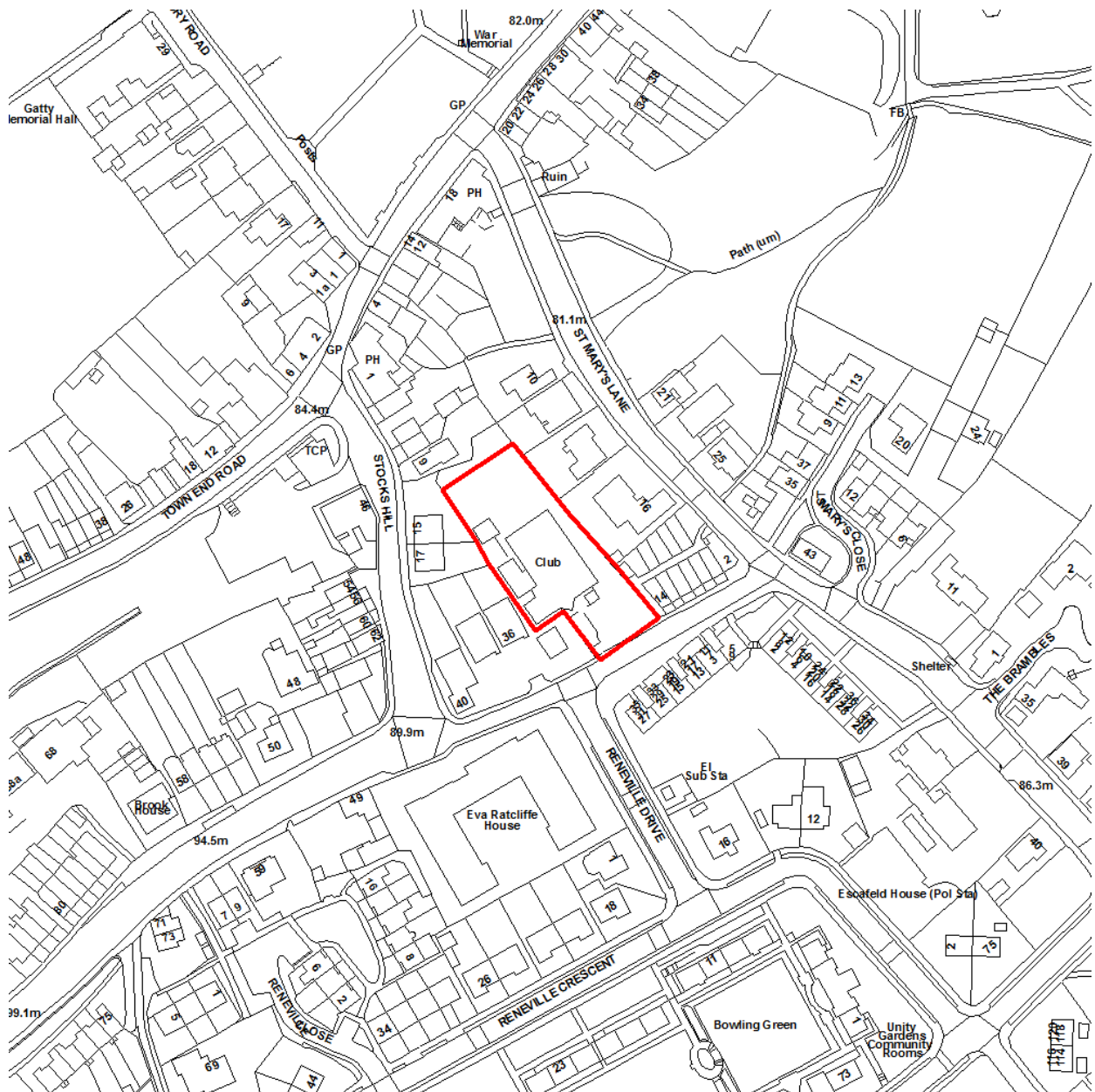
6. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried on only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

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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BACKGROUND

The application relates to the Players Lounge in Ecclesfield. The authorised use of the building is a snooker and social club, which falls within Class D2 (assembly and leisure) of the Town and Country Planning Use Classes Order 2010. However, for the last 6 years the premises has been operating as a drinking establishment (Use Class A4) without the benefit of planning permission.

The applicant undertook internal alterations to the premises throughout 2012. These works involved the reconfiguration of the toilets including the installation of disabled toilets, baby changing facilities, reconfiguration of the bar and lobby area, and the construction of a new partition wall to create a separate lounge/restaurant area and snooker room.

A site visit was held by various responsible authorities in January 2013 with attending officers from the police, trading standards, health and safety and the licensing authority. At this meeting, the applicant was advised that the use of the premises as a Sports' Bar was unauthorised and that he should apply for retrospective planning permission to change the use of the premises from D2 (Assembly and Leisure) to A4 (Drinking Establishments).

A review hearing of the premises licence was heard before the Licensing Sub-Committee on the 9th and 15th April 2013 following the premises being closed after a serious incident outside the premises in March 2013. At this hearing, the Committee agreed to lift the premises licence suspension and grant the license subject to a number of conditions being placed on the license. These conditions included the following:-

- The booking contract for pre-arranged private functions must include a responsible adult who must be in attendance;
- The premises shall not hold 18th birthday parties;
- A minimum of 3 SIA registered Door Supervisors must be employed at the premises from 2000 until 30 minutes after the terminal hour on pre-booked functions and on a Friday/Saturday. At least one door supervisor shall be stationed at the entrance to the premises at all times;
- No customers shall be permitted to take glasses outside the premises after 2000;
- No admission to the premises after 2300 hours;
- At intervals of one hour and 30 minutes before the cessation of licensable activities, an announcement shall be broadcast that the premises will be closing and customers arranging a taxi transport should arrange their taxi.

In the applicant's supporting Design and Access Statement, it details that the authorised use as a snooker club has no planning restrictions on hours and can operate without restriction as long as it operates in accordance with the hours allowed on the premises license. Under this change of use application however, the LPA is able to place further restrictions on operating hours if necessary as well as control outside drinking within the site's car parking area and on the designated drinking terrace beyond that restricted by the licensing committee.

LOCATION AND PROPOSAL

The Players Lounge is located on the western side of Yew Lane and is identified in the UDP as being within a Housing Area and Ecclesfield Conservation Area. The site is bounded by residential properties on three sides. A detached house with detached garage lies to its west (36 Yew Lane), an end terrace house lies to its east (14 Yew Lane) and two residential apartment blocks lie across Yew Lane to its south and southwest (Eva Ratcliffe House). Both the dwellinghouses to the side of the site have habitable windows facing the site within their side elevations.

The main bulk of the site is made up of the club, a single storey building and front and rear car parking areas. Situated to the front of the building and along part of the site's south

western boundary are two decked areas. The decked area to the front of the building has been used by patrons of the premises as a smoking shelter for approximately 11 years following the introduction of the smoking ban in July 2007. The other and larger of the two decked areas is situated immediate at the site's entrance off Yew Lane and was constructed in 2010. Both of the decked areas were granted planning permission in October 2010, under reference No. 10/02294/CHU.

The applicant is seeking retrospective planning permission to regularise the use of the premises as a drinking establishment (A4). The proposed opening hours would be in line with the premises license; these being between the hours of 0800 and 2400 (Sunday to Thursday) and hours of 0800 and 0030 (Friday and Saturday). The opening hours now being sought vary from the hours listed on the application form, which sought later opening hours until 0130 hours (Friday and Saturday) and 0200 hours (Public holidays).

RELEVANT PLANNING HISTORY

79/01948/FUL – Alterations and extensions to be used for the purpose of a club with student accommodation above – Granted 12 September 1979

86/00756/LD2 – Use of premises as a snooker club – Planning Not Required – 30 April 1986

86/01099/FUL – Entrance porch – Granted 25 June 1986

86/01906/OUT – Extension to snooker club – Granted 11 February 1987

10/02294/FUL – Retention of raised terraces to front of club – Granted 13 October 2010

SUMMARY OF REPRESENTATIONS

There have been two rounds of neighbour consultation on the application, the first carried out in 2013 and the second round carried out in June 2018.

First round of consultation – March 2013

In 2013, twenty five letters were received, of which twenty four (24) objected to the application and one (1) was in support. Further comments were also received from Ecclesfield Parish Council and a local ward councillor. A summary of all the comments received have been listed below:-

Objection

- Increased noise disturbance;
- Smells, mainly caused by customers smoking cannabis and illegal substances in the car park;
- Public nuisance and anti-social behaviour; (Swearing, fights, urinating and vomiting in public gardens and boundary walls used as a table for drinks etc)
- Litter;
- The premises is more like a nightclub than a drinking establishment;
- Damage to properties and parked vehicles;

Support

The premises is welcoming and great place to socialise. Although living adjacent to the premises at Eva Ratcliffe House, never hear any noise from the premises.

Ecclesfield Parish Council commented that the proposed development would worsen the already existing problem. The suggested opening times (0800 and 0200) question the applicant's claim that the venue is family orientated.

Councillor Steve Wilson stated that there have been concerns over this establishment for some time. Many of the complaints have been about general noise levels from the club, especially late at night when customers are leaving the premises but also through general noise from loud music being played at the premises. Also residents point out that users of the establishment make parking in the residential streets difficult or impossible. There have also been occasions when parked cars have been damaged.

The area around the establishment is residential with flats opposite the site being occupied by elderly persons.

The site is in the centre of the Ecclesfield Conservation Area. The narrowness of the footpaths giving access to the site is an additional danger. It forces people leaving the premises at closing time to spill across the road, in a dangerous mix of young intoxicated pedestrians, taxis trying to take people home, and through traffic.

Many residents consider there is no local need for another drinking establishment, especially one opened so late at night since there are already two other large Pubs in that same block, both of which have more than one downstairs room, and both of which cater for parties.

Many residents consider that if these extended hours are granted it will increase the number of people using the establishment, an increase in the amount of alcohol being consumed on the premises, and a substantial increase in the amount of noise emanated from the premises both while drinks are being served and afterwards when the premises close and the patrons gather waiting for taxis etc. They will be also the opportunity for more serious disturbances residents feel if these hours are granted.

If the planning board is minded to consider alterations to the hours of operations of this establishment, this should be limited to an 11.30pm close all week, without extensions beyond that time at weekends. Residents consider that it would be totally unacceptable that a 02.00am extension should be granted on any occasion as well as the ability to alter these times on 15 occasions per annum.

Second round of consultation – June 2018

The second round of consultation resulted in 14 letters from the occupants of neighbouring properties, 13 of those objecting and one making a neutral comment.

- Carewatch Sheffield have raised concerns about the noise and the number of people drinking outside the flats and surrounding area;

- Residents often feel intimidated, especially at the weekend;
- The Players Lounge is mainly frequented by young people who are invariably extremely noisy at the premises and upon leaving;
- Public nuisance and anti-social behaviour;
- Noise disturbance;
- Even with the current licensing arrangements, the establishment is a complete nightmare affecting the quality of life for residents
- Effect on property values;
- The Council should seriously consider withdrawing the license;
- The recent stabbing outside the premises should be taken into account in the assessment of the application;
- A large number of elderly residents live nearby;
- The roads around the Players Lounge are used by customers of the establishment, as an overspill car park. Vehicles can often be seen parked opposite each other on the narrow roads, making it difficult for traffic to get through. Also the grass verges on Reneville Drive are used as parking areas;

Ecclesfield Parish Council recommends that the application be refused. The Committee have received a high volume of objections from concerned residents and that they should all be taken into account. The parking on the road with members of the public using the establishment is causing serious concerns. The property should revert to the current licence that it holds until this application is approved. EPC would like to know if the incidents surrounding this application have been reported to the Police and that there should be no extension to the opening hours.

PLANNING ASSESSMENT

Principle of Development

The site is identified within the Sheffield Unitary Development Plan as a Housing Area. Under Policy H10, housing is listed as the preferred use with a number of uses including food and drink outlets (A3) listed among a number of acceptable uses.

Members are informed that at the time of the adoption of the UDP in March 1998, drinking establishments (A4) did not fall within its own specific use class as it does today and was included within Use Class A3. It was only until 2007 that drinking establishments were put within its own use class, namely A4.

Under UDP Policy H10, drinking establishments (A4) are included within the number of acceptable uses in Housing Areas. Subject to satisfying the conditions set out in Policy H14, the principle of changing the use of the premises from a snooker and social club (D2) to a drinking establishment (A4) should therefore be viewed acceptable.

Highway Issues

It is not considered that the proposed use raises any significant highway implications. In addition to the site comprising a good sized car park that can accommodate over 20 vehicles, it is considered that the vast majority of visitors to the premises would arrive by

either foot or taxi. Any impact on the adjoining highways as a result of the development is therefore considered to be minimal and not such that would prejudice highway safety.

Residential Amenity Issues

Policy H14 of the UDP relates to conditions that development in housing areas should meet. A requirement of this policy under part (k) is that development or change of uses do not lead to noise, smell excessive traffic levels or other nuisances, or risk to health and safety for people living nearby.

It is considered that the main issues pertaining to this application relate to noise disturbance and public nuisances associated with the use. Members will note that a number of objections have been received in response to this application from residents of neighbouring properties, many of which comment that their residential amenity is being significantly harmed as a result of the use as a drinking establishment with customers congregating outside the premises causing a noise nuisance and public disorder offences. This is evident from the responses received in both rounds of consultation.

Noise disturbance

With regard noise disturbance, officers are satisfied that the fabric of the building and internal works carried out to the building satisfactorily controls any significant noise breakout from the building that would prevent neighbouring properties to suffer from any unacceptable disamenity. It is also noted that none of the objectors have raised any significant concerns with regard to noise emanating from the building when in use.

Of more significance in officers' opinion is the potential noise and disturbance from the premises' external areas and drinking terrace. The properties most affected by the development in officers' opinion are No. 14 and 36 Yew Lane to the west and east of the site respectively and the flats situated immediately across Yew Lane to the south and south east of the site. The nearest of these are situated less than 19m from the application site, which in officers' opinion is not sufficient to mitigate for any noise disturbance generated from customers using the outside external areas. Although during inclement weather the drinking terrace is unlikely to be used, it is considered that when in use, occupants living close to the club could on occasion be subject to noise disturbance that would harm their residential amenity. This is likely to arise as background noise levels are low in this area of Yew Lane during the evening and night-time and therefore any new noise sources would be particularly noticeable to residents.

It is considered necessary therefore that some restriction be placed on any outside drinking and that the smoking area be limited to the covered terrace area immediately in front of the building. It is therefore recommended that the same restriction be applied on outside drinking as that imposed by the Licensing Sub-Committee in April 2013 and a condition be attached that restricts any outside drinking to 2000 hours only. The location of the smoking area can also be adequately controlled by condition. Although it is not possible to control noise from customers entering and leaving the premises, it is considered that a restriction on outside drinking would significantly reduce the likelihood of people congregating outside the premises that could cause a noise disturbance to local residents.

Environmental Protection Services (EPS) has stated that when the Players Lounge began operating as a drinking establishment (A4), they received a number of noise complaints from local residents relating to customers leaving the premises and also drinking on the external decking area. Following discussions with the Designated Premises Supervisor and an increase in Premises Licence conditions for noise control, complaints of noise from residents to EPS have reduced considerably in recent years. In light of the above, EPS has confirmed that they have no objection with the proposal subject to the imposition of conditions that includes the opening hours of the premises being restricted to those agreed by the Council's Licensing committee, namely 1000 to 2330 hours (Sunday), 1000 to 2400 hours (Monday to Thursday) and 1000 to 0030 hours (Friday and Saturday) with no concession on these hours on public holidays except for New Year's Eve. EPS have also recommended that any amplified sound or live music shall only be played within the building and does not exceed the prevailing ambient noise level by more than 3dB when measured at 1m from the façade.

Public nuisances and anti-social behaviour

Since the change of use of the premises from a snooker club in 2012, there have been several reported instances of public nuisances and anti-social behaviour at the premises, one of these involving a serious incident in March 2013, and a second serious incident in June 2018, both involving stabbings. However, and as stated above, the number of instances of public nuisance reported to EPS over the last few years has reduced. As Members will appreciate, it is very difficult to control noise made by customers leaving licensed premises in the early hours of the morning. By its very nature, it can be haphazard in its occurrence and difficult to predict due because it results from human behaviour.

South Yorkshire Police (SYP) has commented that the main concern with the proposal is the opening hours and do not wish to see the premises opening beyond the hours specified in the premises license. They have commented that subject to the hours reflecting this license, they have no objection with the proposal to regularise the use as a drinking establishment. In coming to this view, they have detailed that the reports of Crime and Disorder have reduced significantly over the last few years with the South Yorkshire Police Licensing Team having worked alongside the management at various times to ensure improvements in their operation. They do however note that there is still clearly an issue with anti-social behaviour around the premises by their customers and at the very least this creates an increase in noise disturbance. South Yorkshire Police acknowledge however that there appears to be some improvement in recent years and have provided evidence that in 2018, 3 incidents of crime/disorder were reported to South Yorkshire Police, which included criminal damage and a stabbing incident, in 2017 only one incident was reported, in 2016, there were 7 reports, but in 2015, 22 incidents were reported. The general trend seems to suggest that incidents being reported to SYP at the premises have dropped off significantly over the last few years.

It is acknowledged that it has been a while since the application was submitted. In this intervening period, the applicant has amended the opening times of the premises in line with the recommendations of EPS and South Yorkshire Police, something that is evident from the applicant's website and SCC licensing. Although officers accept that incidents of public nuisance and anti-social behaviour on the adjoining streets may continue to occur, it is considered that the earlier closing times of the premises, together with more stricter controls of use has helped to alleviate the likelihood of this. It should however be noted that

regardless of whether planning permission is granted, the Council through its licencing role has the ability to suspend the licence in the event that the applicant is not adhering to the conditions of the licence. As part of the licence process, Members are informed that when considering a premises licence, the licencing authority must consider specific matters that include the prevention of crime and disorder, public safety, and the prevention of public nuisance (anti-social behaviour). As such, with regard to public nuisance, it is for the licensing authority to control rather than through planning control. The focus of planning policies and decision making should be on whether proposed development is an acceptable use of land, rather than the control of processes/practices, which are subject to separate control.

Design Issues

Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions and Policy BE16 ensuring that proposals in Conservation Areas contain sufficient information to enable their impact on the Area to be judged acceptable and would preserve or enhance their character and appearance.

The works that were carried out throughout June 2012 as part of the renovation of the building included no external works. The proposed regularisation of the premises does not therefore raise any concerns with regard the character or appearance of the Conservation Area.

SUMMARY AND RECOMMENDATION

The applicant is seeking full planning permission to regularise the use of the premises as a drinking establishment (Use Class A4). Approval is being sought to open the premises between the hours of 0800 and 2330 (Sunday to Thursday) and 0800 and 0030 (Friday and Saturday).

The property is situated in an area where A4 uses are acceptable under Policy H10 of the UDP. Although it is acknowledged that on occasion, incidents of public nuisances and anti-social behaviour have occurred, the number of incidents reported to both EPS and South Yorkshire Police has significantly reduced.

In line with the recommendations of EPS and South Yorkshire Police, conditions have been attached that would limit the opening hours in line with the premises licence, and a restriction of no outdoor drinking after 2000 hours on any given day. It is considered that these opening hours should prevent any significant disamenity issues that would be harmful to neighbouring properties. It is considered that opening the premises outside these times would extend the potential for noise and disturbance later into the night that could result in greater disamenity to neighbouring properties and should be avoided.

Although it is acknowledged that a number of objections have been received from the residents of neighbouring properties, it is considered that the use with suitable controls can be justified in this location. Both EPS and South Yorkshire Police raise no objection to the proposal on the basis of restricting the premises hours of use, which the applicant has been adhering to since 2013.

For the reasons set out above, and having regard to all other issues, it is considered that the proposal to regularise the use of the premises as a drinking establishment (Use Class A4) is acceptable. It is therefore recommended that planning permission be approved subject to the conditions listed.

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