

8 DCCE2006/2739/F - CHANGE OF USE TO MEMBERS SNOOKER & POOL CLUB FORMER JOB CENTRE, BATH STREET, HEREFORD, HEREFORDSHIRE, HR1 2LG.

For: Rileys Ltd, JWPC Ltd, 1 The Quadrangle, Banbury Road, Woodstock, Oxon, OX20 1LH.

Date Received: 17th August, 2006

Ward: Central

Grid Ref: 51429, 39903

Expiry Date: 16th November, 2006

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 The building is currently vacant but was most recently used as a Job Centre and is located on the eastern side of Bath Street, opposite the junction to Gaol Street car park. Immediately to the north are existing semi-detached properties and to the east (rear) is St Owens Adult Training Centre and south are Council Offices. The building occupying the site is a mixed 2/3 storey height constructed from brick with a combination of flat and pitched roofs. The footprint of the building essentially occupies the majority of the site with the exception of a small access strip/parking area along the northern boundary.
- 1.2 The site lies within Hereford City Conservation Area, is designated an Area of Archaeological Importance and lies opposite the former city wall which is a Scheduled Ancient Monument. The site and surrounding area is also designated within the Unitary Development Plan as being an Established Residential Area.
- 1.3 Planning permission is sought for the change of use of the building to a Members Snooker and Pool Club. No external alterations are proposed. A total of 24 tables will be accommodated on two floors including a bar and lounge area at ground floor with staff accommodation/offices at second floor.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S5	-	Town centres and retail
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR13	-	Noise
T6	-	Walking
T7	-	Cycling
T11	-	Parking provision
T16	-	Access for all
HBA6	-	New development within conservation areas

TCR2	-	Vitality and viability
TCR9	-	Large scale retail and leisure development outside the central shopping and commercial areas
TCR11	-	Loss of existing offices

3. Planning History

- 3.1 There is no history of direct relevance to this proposal.

4. Consultation Summary

Statutory Consultations

- 4.1 West Mercia Constabulary: Having met with the applicant and discussed the application with him I can confirm that West Mercia Constabulary will be making no comment in respect of this planning application. If the application is successful West Mercia Constabulary will make representation in respect of the issues of crime and disorder at the subsequent application for a liquor licence, where we would seek the imposition of a number of conditions in order to promote the licencing objective of the prevention of crime and disorder.

Internal Council Advice

- 4.2 Traffic Manager: No objections subject to provision of secure covered cycle storage.
- 4.3 Conservation Manager: The proposal would have minimal impact on the character of the Conservation Area and would therefore be acceptable.
- 4.4 Environmental Health and Trading Standards Manager: There is unlikely to be any nuisance caused by direct use of the premises. Any disturbance/disorder which may arise from members visiting or leaving the premises can be addressed by police and the licensing authority. Nevertheless, a condition requiring the premises to be closed to the public between midnight and 8 am and a condition requiring details of the extract ventilation system and any other mechanical ventilation would be appropriate.
- 4.5 Economic Development Manager: I can confirm that the Economic Regeneration Team are supportive of this application. Although the application would involve the loss of office accommodation in favour of a leisure use, it is our opinion that there is currently a considerable amount of office accommodation readily available within Hereford City. As of the 30th August, 2006 the Council's Property Register listed 31 individual offices or suites of offices available within the city. It should be noted that the majority of available office accommodation is for leasehold rather than freehold basis. It should also be noted that in the longer term it is likely that the Edgar Street Grid development will increase the provision of office accommodation within the city.
- 4.6 Forward Planning Manager: The application site is located within an Established Residential Area under Policy H1 of the Unitary Development Plan. Such areas should remain primarily residential in character and other uses proposed should be compatible with this primary use and appropriate for the site. The application site has a long established commercial use, and due to the proximity of the town centre, a leisure use is unlikely to conflict with surrounding uses.

The previous use of the building was office space. Policy TCR13 regarding loss of existing offices will only be permitted where it can be demonstrated that there is no demand or need for the floorspace; or, that the replacement development and/or use is of acknowledged benefit to the centre concerned. There has been an indication from the Economic Development Department that there is currently an over supply of town centre office space, therefore the loss of such space is unlikely to be an issue.

The proposal also conforms to the Council's retail strategy, which directs key town centre uses that attract many trips, including leisure, in or adjacent to the existing centre, where there is convenient access by a choice of means of transport.

5. Representations

5.1 Hereford City Council: No objection to this application subject to suitable closing time and licencing restrictions.

5.2 Three letters of objection have been received from 1 & 2 Bath Villas and 2 Glenlea Villa who are the immediate neighbours to the site. The main points raised are:

1. The proposals are for 24 hour operation and include the selling of alcohol for the same hours. This will result in significant and unacceptable changes to the character of the neighbourhood.

2. There is no objection to the continuation of office use as any noise and activity generated with such uses are confined to usual office hours of 9am to 5pm. Following that the area is solely residential, quiet and trouble free.

3. There are a number of existing windows in the side elevations of the building which would enable direct overlooking of adjacent residential properties and their gardens.

4. There will be a danger to highway safety as a result of users of the club being picked up and dropped off on Bath Street.

5. Proposals will result in an increase in noise caused by cars stopping and starting, doors banging and people and general activity to and from the premises and that associated with the sale of alcohol from the site.

6. The provision of food will inevitably result in the residual smells of food preparation and disposal.

7. There is no need for a further proposal of this nature particularly in a sensitive and residential area.

8. Most of the local residents are middle aged/elderly and would find the presence of this type of establishment on their doorstep intimidating and frightening particularly in view of the recent newspaper reports of a stabbing incident in a local club of the same type.

9. Existing windows in the side elevation of the building will inevitably be open for ventilation resulting in noise from people plus clacking of balls being hit, background music and so on travelling towards the nearest residential properties.

5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The most recent use of the building was primarily for offices in association with the job centre. Policy TCR11 of the Unitary Development Plan identifies that the loss of office space within Hereford City can be acceptable in principle if there is no demand or need for the office floor space. The Economic Development Manager has confirmed that

there is currently a considerable amount of office accommodation readily available in the city and it is not anticipated that this situation will change particularly with the Edgar Street Grid proposals also incorporating some office accommodation. Therefore, the loss of the office space is considered acceptable.

- 6.2 The site is located in a mixed residential/commercial area although the Unitary Development Plan classifies the area as an Established Residential Area. As such there is already a degree of activity from both people and vehicles in the locality particularly during the day. The site also lies adjacent to the Central Shopping and Commercial Area and policy TCR2 of the UDP supports the introduction of complimentary uses. In sustainability terms, the site is well located for a leisure use being accessible by a choice mode of transport. As such, the principle of a leisure use at the site is also considered acceptable.
- 6.3 The building itself is well suited to a leisure use given the size and relatively large floor areas, the existing front access incorporating disabled access and the minimal alterations required to accommodate the use. The most recent use of the premise as a job centre would have generated some degree of noise and activity and therefore the daytime use of the building as a snooker and pool club will not impact on the amenity of nearby properties. The principle issue is therefore considered to be the use of the building as a snooker club outside normal working hours of 9am-6pm.
- 6.4 The applicants (Rileys Ltd) currently operate 170 snooker and pool clubs nationwide and therefore have considerable experience in this leisure market. The premise will operate on a member's only basis with no access for visiting members of the public. This will enable the applicants to maintain some degree of control over the users of the premise and revoke membership if problems arise. The facilities within would amount to pool and snooker tables, a bar/lounge area and the only entertainment would be through televisions and fruit machines. There will inevitably be some noise within the building but this can be controlled through appropriate conditions such as restrictions on any amplified music and requirements that some of the existing windows facing neighbours are fixed shut. This view is supported by the Environmental Protection Manager who comments that there is unlikely to be any nuisance caused from direct use of the premises.
- 6.5 Any potential noise arising from the use of the site must be balanced against existing background noise levels. Given the location of the site fronting Bath Street, there is already a degree of noise emanating from traffic. Notwithstanding this, it is understandable that there is a local concern that the proposal may lead to an increase in noise and disturbance from both direct use of the facility and from patrons entering and leaving the premise particularly if the use were open 24 hours a day. Although no noise report has been provided by the applicants in support of their desire to operate 24 hours, it is considered that notwithstanding the location of the site adjacent to Bath Street, background noise levels in the immediate locality between the hours of 11.30pm and 7am (defined as the night time period within PPG24) are likely to be considerably lower. As such it is considered reasonable to impose a restriction on the operating hours of the business to coincide with the opening hours of most public houses in the city. The request to sell alcohol will be subject to separate control under the licensing regime.
- 6.6 There are a number of existing windows at ground and first floor, which directly overlook neighbouring properties and their gardens. Given the extended use of the building particularly in the evenings and the nature of the use proposed, it is also

considered reasonable and necessary for these windows to be obscured glazed. In addition, in order to minimise the impact of any noise from within the building these windows should also be permanently fixed shut. Ventilation can still be provided by openings within other elevations. Other concerns such as fumes from the kitchen can be controlled through condition.

- 6.7 Therefore, subject to the restrictions outlined above the proposal is considered acceptable in accordance with the relevant Unitary Development Plan policies.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. A11 (Change of use only details required of any alterations).**

Reason: To define the terms under which permission for change of use is granted.

- 3. E03 (Restriction on hours of opening) 8am – midnight.**

Reason: In the interests of the amenities of existing residential properties in the locality.

- 4. E06 (Restriction on Use).**

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

- 5. E19 (Obscure glazing to windows).**

Reason: In order to protect the residential amenity of adjacent properties.

- 6. F14 (Restriction on music).**

Reason: In order to protect the amenity of occupiers of nearby properties.

- 7. H29 (Secure cycle parking provision).**

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

- 8. F37 (Scheme of odour and fume control).**

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential properties in the locality.

9. F39 (Scheme of refuse storage).

Reason: In the interests of amenity.

Informatives:

- 1. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 2. N19 - Avoidance of doubt.**

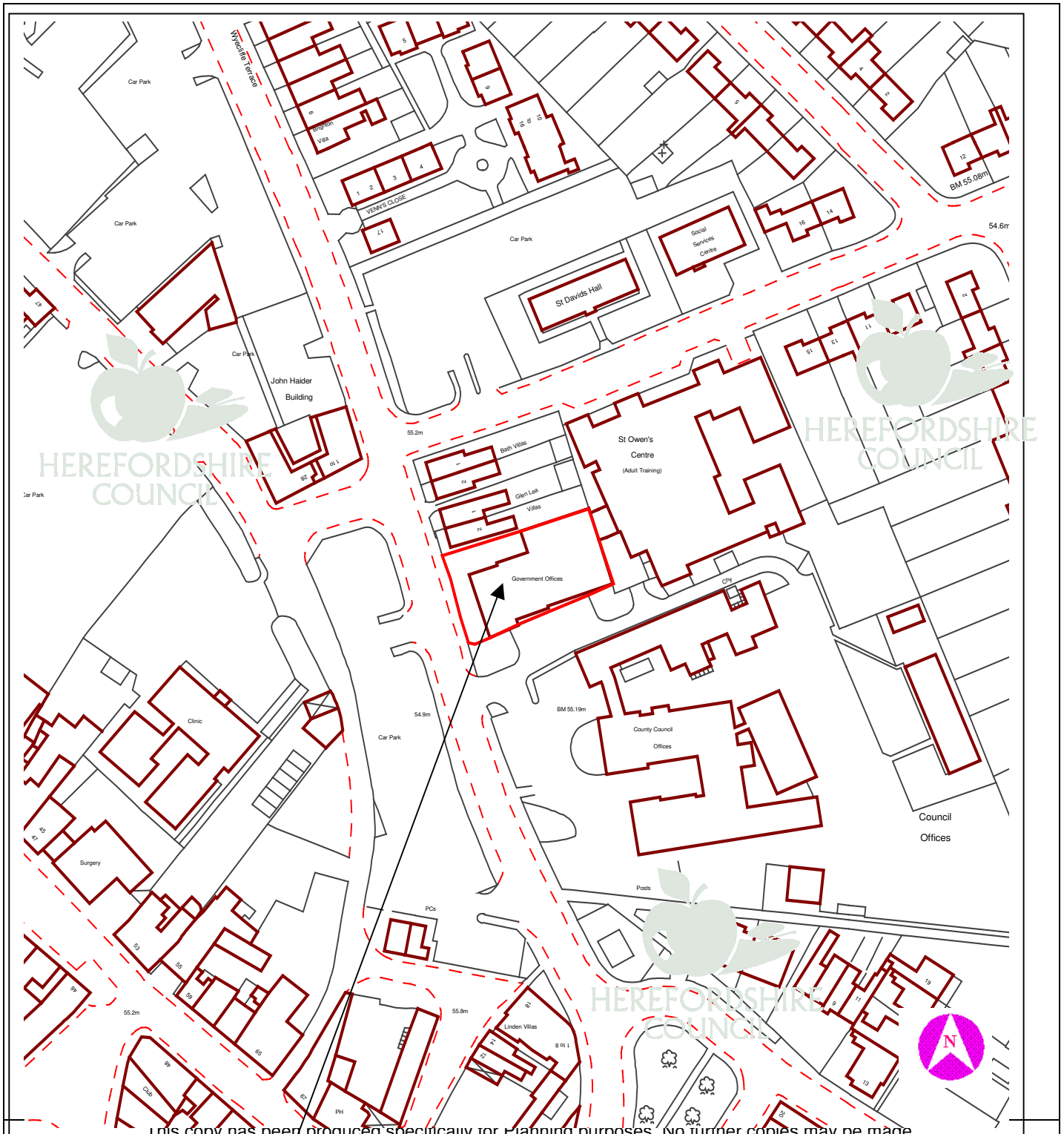
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2006/2739/F

SCALE: 1 : 1250

SITE ADDRESS: Former Job Centre, Bath Street, Hereford, Herefordshire, HR1 2LG

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