

SUPPLEMENT TO THE AGENDA FOR

Regulatory Sub Committee

Thursday 23 October 2014

11.00 am

**Grand Jury Room, The Shire Hall St Peter's Square Hereford
HR1 2HX**

	Pages
5. APPLICATION FOR GRANT OF A PREMISES LICENCE IN RESPECT OF LEFT BANK, BRIDGE STREET, HEREFORD HR4 9DG - LICENSING ACT 2003	3 - 14

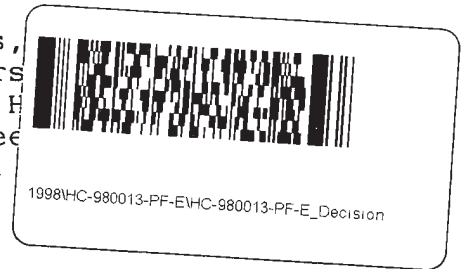
Planning permission

Name and address of applicant

Eign Enterprises Limited,

Name and address of agent (if any)

Beaumonts,
Solicitors
Beaumont House
Offa Street
Hereford,
HR1 2LU.



Part I - Particulars of application

Date of application:

23rd January 1998

Application no.

HC/980013/PF/E

Particulars and location of development:

Variation of Conditions 11 and 15 of planning permission HC/970215/PF/E dated 2nd December 1997 (new restaurant development) situate at 19-22 Bridge Street, Hereford

Part II - Particulars of decision

The Hereford City Council

hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

1. The development must be begun not later than the expiration of **five years** beginning with the date of this permission.
2. The development hereby permitted shall be carried out strictly in accordance with the submitted plans, sections, and elevations as amended by Drawing No. 3590.69 and there shall be no departure therefrom except with the prior approval in writing of the Local Planning Authority.
3. Notwithstanding the details indicated on the deposited drawings full details and samples of materials to be used for the steps and platforms on the southern elevation - river frontage shall be submitted to and approved by the Local Planning Authority in writing prior to works on this element commencing. Development shall be carried out in accordance with the approved details.

Cont'd.

The reasons for the conditions are:

1. Required to be imposed pursuant to Section 91 (1) (a) of the Town and Country Planning Act 1990 and so that the Local Planning Authority may review the development having regard to the provisions of the development plan and to any other material considerations.

Date 30th March 1998

Town Hall,
Hereford

Cont'd.
[Signature]
Director of Planning

YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment.

4. Notwithstanding the details indicated on the deposited drawings a full engineering specification and construction details for the section of existing river wall to be removed and rebuilt and any proposed new wall or alterations to the existing wall shall be submitted to and approved by the Local Planning Authority in writing before the main contract for the new building is commenced. The development shall be carried out in accordance with the approved details.
5. Notwithstanding the details indicated on the deposited drawings details and samples of the facing materials to be used in the reconstructed element of the river wall shall be submitted to and approved by the Local Planning Authority in writing before that element of the scheme is commenced.
6. Notwithstanding the details indicated on the deposited drawings details and samples of all facing materials to be used in the development shall be submitted to and approved by the Local Planning Authority before the development is commenced. The development shall be carried out in accordance with the approved details.
7. Prior to the commencement of any landscaping works a scheme detailing full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved scheme. These details shall include proposed finish level; means of enclosure; car parking layout; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications - cables/pipe lines etc. indicating lines, manholes, supports etc.); retention of historic landscape features and proposed restoration, where relevant.

Cont'd.

NOTES:

By virtue of Section 18 (Access for Fire Brigade) of the Hereford City Council Act 1985 where plans for the erection or extension of a building are deposited with the Council in accordance with building regulations, the Authority must reject them unless, after consultation with the Fire Authority, they are satisfied that there will be adequate means of access for the Fire Brigade to the building or extension and that the proposals will not render inadequate means of access to neighbouring buildings. Adequacy or inadequacy of means of access relates to its use for fire-fighting purposes by members of one or more Fire Brigades and their appliances. Section 16(6) and (7) of the Building Act 1984 (which relates to the passing or rejection of plans) and Section 3(2) and (6) of that Act (removal or alteration of offending work) are incorporated with the local provision. There is a right of appeal to a Magistrates Court by a person aggrieved by the Council rejecting plans under Section 18 of the Local Act.

If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, Tollgate House, Moulton Street, Bristol BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

Where applicable, attention is drawn to the requirements of the Chronically Sick and Disabled Persons Act 1970 as amended. This relates to buildings of the following descriptions: (a) Building or premises to which the public are to be admitted, whether on payment or otherwise. (b) Office premises, shop premises and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies, being premises in which persons are employed to work or premises deemed to be such premises for the purpose of that Act or factories as defined by Section 175 of the Factories Act 1961. (c) Buildings intended for the purposes of a university, university college or college or of a school or hall of a university, or of a school within the meaning of the Education Act 1944, a teacher training college maintained by a local education authority in England or Wales or any other institution providing further education pursuant to a scheme under Section 42 of the Act.

CONDITIONS CONTINUED ATTACHED TO PLANNING PERMISSION CODE NO.
HC/980013/PF/E DATED 30TH MARCH 1998

8. All hard and soft landscape works shall be carried out in accordance with the approved details. The work shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority.
9. Details of external lighting shall be submitted to and approved in writing by the Local Planning Authority before the building is occupied. Development shall be carried out in accordance with the approved details.
10. Prior to the commencement of the development a noise attenuation scheme for plant and machinery such as ventilation systems shall be submitted for the approval of the Local Planning Authority. The occupation of the building shall not commence until the approved scheme has been completed.
11. A noise limitation device shall be installed on the ground, first and second floors within the building. Details of the noise limitation devices and their settings shall be submitted to and approved in writing by the Local Planning Authority. The approved noise limitation devices shall be operated in connection with the use of any amplified music or any amplified equipment to the satisfaction of the Local Planning Authority. There shall be no amplified music or any amplified entertainment on any of the terraces or balconies within the application site. The occupation of the building shall not commence until the approved scheme has been completed to the satisfaction of the Local Planning Authority.
12. Peak surface run-off to existing combined public sewer shall be limited to the capacity of the existing drainage outlet servicing the site.
13. Notwithstanding the details indicated on the deposited drawings full design details and samples of the balcony railings and glazed areas on the northern elevation - Gwynne Street and proposed entrance canopy on the western elevation - Bridge Street shall be submitted to and approved in writing by the Local Planning Authority before that element of the scheme is commenced. The development shall be carried out in accordance with the approved scheme.
14. No works shall commence on site until full details to protect the Site of Special Scientific Interest adjoining the southern boundary have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Cont'd.



Date: 30th March 1998

Director of Planning

15. The use hereby permitted shall not be open to customers outside the following hours:
- i) Ground floor 0800 to 0030 Monday to Saturday
0800 to 2330 Sundays.
 - ii) First and second floors 0800 to 0100 Monday to Thursday
0800 to 0200 Friday to Saturday
0800 to midnight Sundays.
16. The building shall be sound-proofed to an acceptable level and the details of materials and methods of sound-proofing shall be submitted for the approval of the Local Planning Authority before the development is commenced and the work shall be carried out to the satisfaction of the Local Planning Authority before the building is brought into use.
17. Notwithstanding the provisions of Class A3 of the Town and Country Planning (Use Classes) Order 1987 the premises shall only be used for the sale of food and drink for consumption on the premises and there shall be no sale of hot food for consumption off the premises.
18. A scheme for the control and suppression of odours shall be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be completed to the satisfaction of the Local Planning Authority before the premises are open for trading.
19. No development shall take place until the applicant has secured the implementation of a programme of archaeological work and Scheduled Ancient Monument Protection in accordance with a written scheme for investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.
20. No work on site shall take place until a detailed design and method statement for the foundation design and all new groundworks has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed scheme approved pursuant to this condition.
21. No development shall take place until the applicant has made arrangements for an archaeological "watching brief" to monitor development groundworks and to record any archaeological evidence revealed. These arrangements are to be submitted to and approved in writing by the Local Planning Authority, in accordance with the "watching brief" proposals agreed pursuant to this condition and shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.
22. Developer to install suitable drainage arrangements to accommodate the outfall constraint that will exist within the public sewerage system in surcharge conditions. Details of which shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.

Cont'd.

Appendix C(i)

REASONS CONTINUED ATTACHED TO PLANNING PERMISSION CODE NO.
HC/980013/PF/E DATED 30TH MARCH 1998

2. To ensure that the development is carried out in accordance with the approved plans and that it shall be consistent with the general character and amenities of the area.
3. In the interests of amenity and in order to preserve the harmony of the building with its surroundings.
4. The river wall forms an integral part of the visual environment within this part of the Conservation Area and Site of Special Scientific Interest and this condition is imposed to preserve the environment of acknowledged importance. The proposal will also involve works within the river channel and this condition is also considered necessary to fully assess any impact on river flows.
5. To ensure that the character and appearance of this important feature within the Conservation Area is retained in the interest of amenity.
6. In the interests of amenity and in order to preserve the harmony of the building with its surroundings.
- 7.&8. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.
9. In the interests of amenity and to maintain the quality of the environment.
10. In order to protect the amenities of occupiers of nearby dwellings and to maintain the quality of the environment.
11. In order to protect the amenities of occupiers of nearby dwellings and to maintain the quality of the environment.
12. To mitigate the risk of increased combined sewerage flooding/overflow.
13. To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment having regard to its location within the Conservation Area.
14. To ensure that the Site of Special Scientific Interest is protected during construction having regard to its designation and the quality of the environment.
15. In order to minimise the impact of the use on the amenities of occupiers of nearby dwellings.
16. In order to protect the amenities of occupiers of nearby dwellings and to maintain the quality of the environment.

Cont'd.

PE
Date: 30th March 1998


Director of Planning

REASONS CONTINUED

17. In order to minimise the impact of the use on the amenities of the area and to enable the Local Planning Authority to consider any future proposal for a change of use within the same Use Class, having regard to the provisions of the development plan and other material considerations.
18. In order to minimise the impact of the use on the amenities of the area and to maintain the quality of the environment.
19. Important archaeological remains may exist on this site. Accordingly the Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains and Scheduled Ancient Monument protection prior to the development, in accordance with the guidance and model condition set out in PPG16.
20. Where the Local Planning Authority wishes to secure, as a reserved matter, the agreement of detailed foundation and groundwork design, including a method statement that will minimise damage to the archaeological resource.
21. Important archaeological remains may exist on this site. The Local Planning Authority wishes to ensure that an "archaeological watching brief" is carried out during the development's groundworks so that archaeological remains not protected by other measures are investigated and recorded.
22. To prevent internal flooding to the development.

INFORMATIVE NOTES

1. The applicant's attention is drawn to the Section 106 Agreement which has obligations additional to the conditions attached to this Decision Notice which must also be complied with within the terms set out within that agreement.
2. This planning permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
3. This permission does not authorise the display of any advertisements on the site (including any shown on the plans accompanying the application) separate application for which should be made to the Local Planning Authority in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992.
4. The site is a Scheduled Ancient Monument and the applicant is reminded that it is an offence under Section 2 of the Ancient Monuments and Archaeological Areas Act 1979 to execute or permit to be executed any works resulting in the demolition or destruction of or any damage to a scheduled monument. No work should be commenced therefore until Scheduled Monuments Consent has been obtained from the Department of National Heritage. Application should be made to the Department of National Heritage, 2/4 Cockspur Street, London, SW1Y 4DA.

Cont'd.

INFORMATIVE NOTES CONTINUED ATTACHED TO PLANNING PERMISSION CODE NO.
HC/980013/PF/E DATED 30TH MARCH 1998

5. The site is within an area of archaeological importance designated under the Ancient Monuments and Archaeological Areas Act 1979. The effects of the designation are that notice is required of any proposed operations which will disturb the ground. An operations notice should be completed and served on Hereford City Council prior to the commencement of any such operations.
6. Site liable to flood from river flows. Developer to confirm mechanism of flooding which may include public sewerage system (i.e. flood water gains entry into public sewerage network). Vets subject to flooding at river levels circa 16 feet above NSL.
7. Provision should be made within the curtilage of the site for all the storage of waste arising in a secure screened compound accessible to Gwynne Street.
8. Copies of letters from Environment Agency dated 23rd June and 15th August 1997 are attached for information purposes.
9. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate County, IFA and English Heritage guidelines. (See Condition No. 19).
10. The Local Planning Authority wish to ensure that archaeological remains on site are preserved in situ. The detailed proposals should include appropriate drawings, notes and method statements showing how the objectives of in situ preservation is to be achieved. Particular attention should be paid to the design of the foundations and new groundworks including any piling. You are advised to contact the relevant Planning Department Case Officers and the County Archaeological Advisors to discuss the submission of details required to discharge this condition. You are also advised to contact the Divisional Director (Building Control) to ensure that all Building Control Regulations are met. (See Condition No. 20).
11. The Local Planning Authority wishes to ensure that adequate arrangements are made to allow an archaeological "watching brief" to take place during all new foundations, below-ground works and excavation phases of the development. The purpose of the watching brief is to ensure that any agreed design measures to preserve the archaeological remains in situ are correctly implemented on site and allow investigation and recording of any archaeological evidence that might be revealed in areas not covered by preservation measures. (See Condition No. 21).



Date: 30th March 1998

Director of Planning



From: Lane, Mark
Sent: 03 September 2014 07:20
To: Licensing
Subject: FW: Left Bank premises licence application
Ady

FYI

Reply from Gary Waring

Mark

Mark Lane
Development Supervisor/
Enforcement Officer
Planning Services
Herefordshire Council
Tel: 01432 260474

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From: Enquiries [mailto:enquiries@lydecourt.com]
Sent: 02 September 2014 17:18
To: Lane, Mark
Subject: RE: Left Bank premises licence application

Dear Mr Lane,

Thank you for your email and attachment.

I was unaware of the opening hour constraints in the planning permission.

In terms of condition 17: It is not our intention to sell food to be taken off the premises. Any food will be solely for the consumption of guests at events being held at the Left Bank, and all food is to be consumed on the premises. I can amend the application to make this clear.

In terms of condition 15: The opening hours as defined in the planning permission would certainly prove restrictive in making a success of the Left Bank as Herefords premier venue. Please could you indicate to whom I should contact to investigate a change of this condition.

Condition 15 is to minimise the impact on occupiers of nearby dwellings. Are you aware of any problems of this nature that may have occurred when the Left Bank was actually up and running under previous management?

Thank you for drawing my attention to this.

Best Wishes

Gary

Tel: 01432 357753

<http://www.lydecourt.com/>

Lyde Court

Hereford

HR1 3AE

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From: Lane, Mark [<mailto:malane@herefordshire.gov.uk>]

Sent: 02 September 2014 15:45

To: 'enquiries@lydecourt.com'

Cc: Licensing

Subject: Left Bank premises licence application

Mr Waring

Your license application has been passed to the planning enforcement section to confirm any planning conditions attached to the property will not be breached.

I have attached the approved planning permission for the property and would draw your attention to conditions 15 (hours of operation) and 17 (sale of food off the premises) which your premises application appears to contravene.

May I suggest that you either amend your application, so that the business operation would not breach these planning conditions, or discuss with the planning team leader for the area the likelihood of an application to amend these conditions being supported.

Regards

Mark Lane

Development Supervisor/
Enforcement Officer

Planning Services

Herefordshire Council

Tel: 01432 260474

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