

6A DCNC2007/0506/F - CHANGE OF USE TO A4 (DRINKING ESTABLISHMENT). DEMOLITION OF SINGLE STOREY REAR EXTENSION AND OUT-BUILDING AND NEW REAR EXTENSION AT FORMER POST OFFICE COUNTERS LTD, CORN SQUARE, LEOMINSTER, HEREFORDSHIRE, HR6 8LR

6B DCNC2007/0507/C – AS ABOVE

For: J D Wetherspoon plc per Lawrence Beckingham Field LLP, The Sail Loft, Limehouse Court, 3-11 Dod Street, London, E14 7EQ

Date Received:
19th February 2007

Ward: Leominster South

Grid Ref:
49720, 59086

Expiry Date:
16th April 2007

Local Members: Councillor RBA Burke and Councillor RC Hunt

The application was deferred at the meeting on 29th May 2007 for a Committee site visit. The site visit took place on 14th June 2007. The report below has been updated.

1. Site Description and Proposal

- 1.1 This site, within the town centre of Leominster, is located within Corn Square on its northern side. The existing building now vacant was formerly a post office. The section of building facing Corn Square is red brick with a plain tile roof. There is black timber frame with white render infill panels at first floor level facing Corn Square. This part of the building has a ground floor, two upper floors and a basement. The section of building to the rear is single storey with red brick walls, part of which has a slate roof with an additional raised section along the ridge line. The eastern section of the building has a flat roof. There is yard area at the rear with an access track leading to Church Street.
- 1.2 The site is surrounded by a mixture of uses ie residential, retail and the 'Conservative Club'. There is an existing public house on the opposite side of Corn Square. The Grange open space area is located to the east.
- 1.3 The proposal is to change the use of the building to A4 use ie as a drinking establishment/public house. This will involve the demolition of the single storey sections at the rear and replacing it with a new single storey extension with brick walls and a slate roof. The roof will be a mixture of flat and pitched roofs. There will also be a small glazed canopy at the eastern end. Vehicular access for deliveries will be via the existing rear access ie the same route used by the post office. As the proposed development involves demolition within a Conservation Area, an application for Conservation Area Consent has also been submitted with the planning application.

2. Policies

2.1 Planning Policy Guidance

PPG 6 - Town Centres and Retail Developments
PPG 15 - Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan

TCR 1 - Central Shopping and Commercial Areas
TCR 2 - Vitality and Viability
TCR 3 - Primary Shopping Frontage
HBA 4 - Setting of Listed Buildings
HBA 6 - New Development within Conservation Areas
HBA 7 - Demolition of Unlisted Buildings within Conservation Areas
S2 - Development Requirements
S5 - Town Centre and Retail
DR1 - Design
DR13 - Noise

2.3 Supplementary Planning Guidance

Design and Development Requirements - July 2004

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Traffic Manager recommends that any permission includes certain conditions relating to secure cycle parking provision and a travel plan.

4.3 Forward Planning Officer observes that the site is in area designated as a 'primary shopping frontage' in the Unitary Development Plan where policy TCR 3 is applicable. The policy does allow for the integration of non-retail uses in a dispersed manner and this proposal does not conflict with the policy aims.

4.4 The Principal Environmental Health Officer has no objections in principle, although limited information has been submitted with the application with respect to impact on neighbouring properties. There are concerns with respect to affect on neighbouring dwellings in terms of noise and odour. In particular it is unclear if there will be an outside area for people to sit etc. Any such area due to 'people noise' could well adversely affect the residential amenities of neighbouring dwellings. If members are minded to approve the application then certain conditions need to be imposed on any planning permission in order to protect the residential amenity of neighbouring dwellings. In particular a scheme of odour control measures, restriction on outdoor use, scheme for noise controlling measures in general and for additional plant, details

of flues and extractors and also restrictions on hours of demolition and construction work.

- 4.5 The Conservation Manager observes that, in his opinion, the submitted scheme would not secure either the preservation or enhancement of the special architectural and historic character of the Conservation Area. The modern buildings at the east end of the site have no architectural merit. However the sorting office is well constructed building of some quality (eg the continuous glazed lantern light and architectural detailing) and fits comfortably in the context of the surrounding buildings and views from Grange Park. The quality of the replacement building falls considerably short of the existing building. The replacement building needs to be justified within the criteria set out in PPG15. Consequently he suggests that the scheme be reconsidered. The proposed replacement would not be a fitting replacement for the loss of the existing building. The way the new section is connected to the main frontage building will result in the loss of window details that contribute to the character of the principal building.

5. Representations

- 5.1 The applicants/agents state that Wetherspoon currently operates over 650 licensed premises throughout the United Kingdom and has developed a sophisticated range of practices and procedures aimed at providing a safe and convivial environment in which the public may enjoy the facilities on offer. The great majority of premises are converted and are designed to provide a welcoming environment complementary to the building and the surrounding area. They aim to provide a traditional pub atmosphere with features found in modern cafe bars and restaurants. They provide extensive food menus with high standards of management and maintenance. Standards of customer behaviour are closely monitored. They have developed a high reputation for the aesthetic appeal of Wetherspoon premises. The proposed extension will be sympathetic to style of existing building. All deliveries will be to rear of site using same route as that used by post office.
- 5.2 The Town Council considers that the delivery arrangements through the Church Street entrance would not be possible. However approval is recommended, but subject to alternative delivery access arrangements. Three letters of objection from local residents were attached.
- 5.3 26 letters of objection have been received from local residents, the main points being:
- 5.3.1 The loss of the post office is a loss of a public service.
 - 5.3.2 Already enough public houses in Leominster which are finding it hard to compete with each other let alone the low prices which Wetherspoons charge.
 - 5.3.3 No need has been proven for a further drinking establishment in area. Independent cost benefit analysis would be required to back up need for another drinking premises.
 - 5.3.4 The proposal will lead to rowdiness and attract undesirable elements to the area. Unruliness, anti-social behaviour, vandalism and noise will be generated in the area by proposal.
 - 5.3.5 Change character of town due to scale of proposal and anticipated number of drinkers.
 - 5.3.6 Already a public house in vicinity. Will make situation worse.
 - 5.3.7 Police already have problems in area.
 - 5.3.8 Noise will affect residential amenities of adjacent dwellings.
 - 5.3.9 Problems of litter.

- 5.3.10 Proposal will destroy amiable atmosphere of Corn Square.
 - 5.3.11 Landscaped area at rear could be screened.
 - 5.3.12 Maybe managed inside but problems will occur outside.
 - 5.3.13 Enough public houses in Leominster and more will lead to more trouble.
 - 5.3.14 The vehicular access onto Church Street is very narrow and delivery lorries will have problems entering and leaving access.
 - 5.3.15 Church Street already busy with problems of parking which will be made worse by proposal.
 - 5.3.16 Large lorries have caused problems to local people over the years.
 - 5.3.17 More use of rear access track will make surface even worse.
 - 5.3.18 Public access along track will cause problems. Parking in local streets by customers will add to existing problems.
 - 5.3.19 Extra cars will be attracted to area.
 - 5.3.20 Not enough room for delivery lorries to turn within site.
 - 5.3.21 Delivery lorries could take light from dwellings in Church Street.
 - 5.3.22 Vehicular access from Corn Square would also be a problem due to narrowness of streets.
 - 5.3.23 The proposal could adversely affect tourism.
 - 5.3.24 Leominster needs to address its social problems.
 - 5.3.25 The proposal would destroy character of landmark building in town centre.
 - 5.3.26 More about demolition than conservation.
 - 5.3.27 Former post office building has strong period character. Loss of distinctive lantern roof and windows is undesirable as they complement fenestration of surrounding buildings.
 - 5.3.28 The replacement building is featureless and undistinguished and gives little consideration to its exterior and surroundings.
 - 5.3.29 Wetherspoons can do a better job of redesign than this.
 - 5.3.30 There are a number of inconsistencies in the drawings, ie drawing no 173, "area to be demolished", fails to show the removal or covering of four first floor and one ground floor window, and does not agree with elevation no 173/12 and plan no 173/10E. The smaller size of this drawing makes it an easier point of reference making its potential to mislead the more likely. There are other more minor discrepancies between drawings 173/10E and 173/12.
 - 5.3.31 Church Street is an historic street and could be damaged by additional traffic generated by proposal.
- 5.4 There have been three letters of support received. The main points being:
- 5.4.1 Wetherspoons has high standards and is very popular with no rowdyism.
 - 5.4.2 Will attract people to the centre of town and will help to aid local businesses.
 - 5.4.3 Large company having confidence to invest in Leominster will be good for town and provide employment.
 - 5.4.4 The empty commercial properties in town can be used as proposal will attract more people to area.
 - 5.4.5 The Kings Fee in Hereford shows what can happen.
 - 5.4.6 The competition generated will be a benefit to Leominster economy.
 - 5.4.7 Corn Square could be utilised more for local events. Perhaps Wetherspoon could contribute to this as part of application for planning permission.
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The main issues relate to:

- i. The use of the site as a drinking establishment.
- ii. The size and design of the proposed new extensions and its affect on its surroundings and the Conservation Area.
- iii. The desirability of retaining the existing building at the rear and the extent its loss will have on the character and appearance of the Conservation Area.
- iv. The effect the proposed use will have on adjacent residential dwellings and the area in general.
- v. Issues relating to vehicular access and movement.

6.2 The UDP identifies the site frontage as part of a designated 'primary shopping frontage' where retail use is encouraged to be the dominant use. However the Policy TCR3 does allow for a proportion of non retail uses and as such it is considered that this proposal complies with the policy aims and is acceptable in this town centre location.

6.3 The proposed new rear extension is considered to be acceptable. It would be in keeping with the visual appearance and character of the conservation area and will not adversely affect the amenities of the occupants on adjacent properties. As such the proposed development is considered to be in accordance with policy HBA6 which relates to new development in Conservation Areas. The existing single storey buildings at the rear which are proposed to be demolished are not considered to have any significant merit to warrant their retention. The Council's Conservation Manager considers that they should be retained. However these buildings are very basic in their design, they are hidden from view to a certain extent and are not listed buildings. Although the upper levels of the buildings can be seen from the Grange, it is considered that their removal will not detract from the character and appearance of the Conservation Area. As such the proposal will be in accordance with policy HBA7 of the Unitary Development Plan. There are some minor discrepancies between the proposed floor and elevational plans which can easily be rectified. The applicants' agent has recently submitted revised drawings, which show the omission of an external door and a small window at first floor level on the rear of the main building, as a minor revision and to clear up one of the minor discrepancies between the proposed floor and elevational drawings.

6.4 The use of the proposed development as a drinking establishment in this town centre location is considered to be acceptable. There is an existing public house in Corn Square and public houses in the town centre in general. There is no convincing evidence to the effect that an additional public house will adversely affect Leominster Town Centre. The Principal Environmental Health Officer has recommended that if the Committee is minded to approve the applications then certain conditions relating principally to noise attenuation measures and odour control measures be imposed. The use of any areas outside the proposed building for customers to sit etc is considered to be unacceptable and would lead to noise disturbance to adjacent residential dwellings. The applicants have not proposed any outside drinking area

although they do show a landscaped area at the eastern end of the building. This area is the only place where delivery vehicles could park and turn within the site.

- 6.5 The use of the existing vehicular access onto Church Street and the track leading to the rear of the premises for deliveries is acceptable in highway safety terms. There have been strong objections received from local residents with respect to this aspect of the development. However the Council's Traffic Manager has raised no objection to the proposed development. The area at the east end of the proposed building can be used for turning of delivery lorries provided the lorries are not too large. A condition requiring the submission of a Travel Plan has been added to the recommendation for the planning application.
- 6.6. The proposed development is therefore considered to be acceptable and in accordance with planning policies and guidance. There have been a large amount of objections to the development received from local residents. However after fully taking into account their objections they are not considered to be sufficient to warrant refusing the applications.

RECOMMENDATION

In respect to the application ref no DCNC2007/0506/F 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 - B01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings.

- 3 - Before any work commences on site drawings showing all of the proposed elevations of the new extension at its western end and the rear of the main building (including floor plans) shall first be submitted to and be subject to the prior written approval of the local planning authority.**

Reason: To ensure the development is satisfactory in appearance and due to the east and west elevations at that end not being submitted and minor discrepancies on the submitted drawings.

- 4 - Before any work commences on site details of the proposed boundary and surface treatments and also any parking/turning and landscaped areas within the site shall first be submitted to and be subject to the prior written approval of the local planning authority.**

Reason: To protect the visual amenities of the area.

- 5 - No customer access to the site shall be allowed from the rear access track onto Church Street.**

Reason: To define the terms to which this planning permission relates and to protect the residential amenities of nearby dwellings.

6 - F02 (Scheme of measures for controlling noise)

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

7 - Before any additional fixed ventilation, refrigeration or other noise penetrating plant is used on the premises, the applicant shall submit for the prior approval of the local planning authority a scheme of noise attenuating measures. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of use.

Reason: To safeguard amenity of the area.

8 - The utilisation of any outdoor areas for customer drinking and dining use shall not be permitted without the prior written approval of the local planning authority.

Reason: To safeguard the residential amenity of the area.

9 - 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 property in the locality.

10 - F38 (Details of flues or extractors)

Reason: In the interests of the amenity of the area.

11 - F41 (No burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution.

12 - All machinery and plant shall be operated and maintained in accordance with BS5228:1997 'noise control of construction and open sites'.

Reason: In the interests of the amenity of the area.

13 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

14 - 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.

15 - H30 (Travel Plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N03 - Adjoining property rights
- 3 - The applicants should be aware that this planning permission does not over-ride any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects or encroaches onto any adjoining property may well affect these rights. As such, the applicants are advised to contact the owners of adjacent properties where these rights may be affected and seek legal advice on the matter prior to undertaking any building work.
- 4 - The applicants are advised to contact the Commercial Team of the Environmental Health Department at Herefordshire Council to discuss the Food Safety and Hygiene implications of the proposed development to ensure they comply with the legislative requirements of the Food Safety Act 1990 and related regulations.

The applicant is also advised to contact the Licensing Team of the Environmental Health Department at Herefordshire Council to discuss any issues of compliance with the Licensing Act 2003 and related legislation.

- 5 - N19 - Avoidance of doubt
- 6 - In connection with Condition 15 the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ.

In respect to the application ref no DCNC2007/0507/C that conservation area consent be granted subject to the following conditions:

- 1 - C01 (Time limit for commencement (Listed Building Consent))

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 - Before any work relating to demolition/alterations occurs on site the drawing showing the rear elevation of the main building (to remain) shall be amended to show all the windows to be removed and submitted to and be subject to the prior approval of the local planning authority.

Reason: To define the terms to which this consent relates.

- 3 - No demolition shall take place until a contract of work has been agreed in writing between the applicant and the developer. Evidence of this shall first be submitted to and be subject to the prior approval of the local planning authority.

Reason: To ensure the new development and the demolition coincide.

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: DCNC2007/0506/F

SCALE : 1 : 1250

SITE ADDRESS : Former Post Office Counters Ltd, Corn Square, Leominster, Herefordshire, HR6 8LR

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