

**10 DCNC2007/2672/F - CHANGE OF USE TO A4. REFURBISHMENT OF SINGLE STOREY EXTENSION AT REAR. DEMOLISH OUTBUILDING AND NEW REAR EXTENSION AT FORMER POST OFFICE, CORN SQUARE, LEOMINSTER, HEREFORDSHIRE, HR6 8LR**

**For: JD Wetherspoon PLC, per Lawrence Beckingham Field Architects LLP, The Sail Loft, Limehouse Court, 3-11 Dod Street, London E14 7EQ**

**Date Received:**  
**15th August, 2007**

**Ward:**  
**Leominster South**

**Grid Ref:**  
**49719, 59086**

**Expiry Date:**  
**10th October, 2007**

Local Members: Councillors RBA Burke and RC Hunt

**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 i.e. 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 i.e. as a drinking establishment/public house. This will involve the refurbishment of the existing rear section and the demolition of the more modern flat roofed section at the eastern end of the site. The refurbishment of the existing rear section will involve utilizing the existing shell of the building by retaining the roof and the glazed lantern roof light section on top of the roof. The walls of this section of the building will be extended outwards on north and west sides to enlarge the floor area of the building and will have a flat roof. The section to the east to be demolished will be replaced with a section of building with a larger floor area, the majority of which will have a pitched roof and a small part with a flat roof. There will be a small glazed canopy at the eastern end. Vehicular access for deliveries will be via the existing rear access track; i.e. the same route used by the post office.

## **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  
TCR2 - 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  
DR1 - Design  
DR13 - Noise  
DR3 - Movement

### **2.3. Supplemental Planning Guidance**

Design and Development Requirements - July 2004

## **3. Planning History**

- 3.1 DCNC2007/0506/F - Change of use to A4 (drinking establishment). Demolition of single storey rear extension and outbuilding and new rear extension - Refusal of Planning Permission 27/06/07.
- 3.2 DCNC2007/0507/C- Change of use to A4 (drinking establishment). Demolition of single storey rear extension and outbuilding and new rear extension - Refusal of Conservation Area Consent 27/06/07.
- 3.3 DCNC2007/2673/C - Change of use to A4. Refurbishment of single storey extension at rear, demolish outbuilding, new rear extension - Conservation Area Consent 10/10/07.

## **4. Consultation Summary**

### Statutory Consultations

- 4.1 None required

### Internal Council Advice

- 4.2 The Traffic Manager recommends that any permissions includes certain conditions relating to secure cycle parking provision and a travel plan. Also the submitted details showing tracking manoeuvres for delivery vehicles show that deliveries to the rear of the premises are feasible.
- 4.3 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 the 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.

- 4.4 The Conservation Manager observes that the amended scheme now successfully addresses the previous concerns and retains the basic form of the sorting office. No objections to the removal of the late 20th Century building at the rear. The Conservation objection has been resolved.
- 4.5 The Council's Community Services Officer states that Leominster town centre is currently covered by five CCTV cameras all installed in mid 1990's. If a CCTV camera was installed on the junction with High Street and Victoria Street it would give coverage to the entrance of the old post office proposed for Wetherspoons. The total cost of this would be approximately £24,247.

## **5. Representations**

- 5.1 The applicant's agents state that, following the previous refusal of planning permission and Conservation Area Consent, the scheme has been revised to take into account the comments of the Council's Conservation Architect and retains as much of the historic interest of the building within the Conservation Area. The proposed conversion will retain elements of the existing sorting office. The interior shell of the existing sorting office will be unchanged by removing the north wall to extend the interior customer area. This will provide a double height space for the bar, commercial kitchen, cooled store and general customer area. The existing alleyway will be kept to allow access for deliveries as it exists now. DDA compliant access into and within the existing main building is unchanged by this proposal. Level access is available through the customer area with provisions at ground floor level. A "TRACK" analysis has been provided in respect of delivery vehicles accessing the site. This shows that the two types of vehicles which are available for use by J. D. Wetherspoon's delivery companies (i.e. 5.35m transit type van and a 8.0m rigid vehicle) will be able to enter and exit the site in a forward gear utilizing the space on site to turn. The number of deliveries will be approximately nine times per week. The rear access will be for deliveries only. The rear area will not be used at all by customers.
- 5.2 The Town Council wishes to restate its objection to the use of the rear access for deliveries. It is suggested that this access should be restricted to vehicles under seventeen and a half feet in length, no longer than a Transit Van or small box van. However, as on the previous application, approval is recommended, subject to alternative delivery arrangements.
- 5.3 There has been one letter of support received from Mr. P.J. Goody, 14 Kenelm Court, Leominster HR6 8PZ. The main points being:-

- Ideal location and site for such a development
- Leominster Town centre is suffering from a surfeit of empty commercial properties. Wetherspools would attract customers to town centre.
- King's Fee in Hereford provides an example of how a town centre can benefit from such an attraction.
- Provides a useful service to area.
- Provides healthy competition for facilities and create new economic activity.

5.4 There have been five letters of objection received from:-

- The Rev Canon John M Ayling M.A., Woodstock House, Church Street, Leominster HR6 8ED.
- Maja Storey, 168 Godiva Road, Leominster HR6 8TA
- Miss A Preece, 14 Kenwater Close, Leominster HR6 8DC
- KE Ward, 8 Church Street, Leominster HR6 8NE
- Mr R Oliver, Chairman of Leominster Civic Society, 118 Godiva Road, Leominster HR6 8TA

The main points being -

- Support the Council's reasons for the previous refusal (contrary to policies in UDP) because proposal will cause a hazard to highway safety due to regular delivery of lorries down Church Street, which is a narrow historic thoroughfare. Danger to pedestrians, fabric of buildings and quality of Conservation Area.
- The revised plans do not address access problems in previous refusal. Still contrary to the decision of the Council's Committee.
- Difficult and dangerous for large lorries to negotiate access as the Post Office found a few years ago. Existing parked cars on side of road will make problems worse. Emergency vehicles could be affected by the volume of vehicles.
- There are some vehicles/pedestrians using Church Street since Post Office used access. The Post Office itself only had one large van early in the morning and a few small vans during the day.
- The proposal will encourage large numbers of people in from the surrounding district by car, which will create more traffic problems.
- The proposed large public house will create a greater risk of night time rowdiness and vandalism.
- Noise from outside eating/drinking will cause extra noise.

- The closeness of the new kitchen/store room to objectors home is limited and could cause problems of noise and smells.
- The landscaped area if used for customer use would cause a major intrusion to objector's residential amenities.
- Such a large establishment will affect trade of existing local public houses.

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/design of the proposed development (including alterations and demolition) and its affect on the surroundings and the Conservation Area.
- (iii) The effect the proposed use will have on adjacent residential dwellings and the area in general.
- (iv) 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 development in terms of its size, layout and design is considered to be acceptable and overcomes the original objections raised by the Council's Conservation Officer in that the original sorting office section is being retained in the revised scheme and not demolished as in the previous applications on the site i.e. DCNC2007/0506/F and DCNC2007/0507/C. Also the revised design as a whole is considered to be acceptable and in accordance with planning policies and guidance. The proposed development will not adversely affect character and appearance of the Conservation Area. Consequently, the refusal reason no. 1, relating to the design and conservation issues in the above mentioned applications, has now been resolved. Furthermore, Conservation Area Consent for the demolition works for the revised scheme ref no. DCNC2007/2673/C was recently granted on 10th October, 2007.

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 Sub-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 and

have clarified that there will be no outside drinking. The open area at the eastern end of the site will only be used for delivery vehicles, which intend to use this area for parking and turning. They have also stated that this will also be a landscaped area.

- 6.5 With respect to the proposed vehicular access arrangements, refusal reason No. 2 on the previous planning application on the site (which was refused on 27th June, 2007) stated:-

“The proposed development will constitute a hazard to highway safety for both pedestrians and road users due to the amount and type of traffic that will be generated by the proposed development also the unsuitability of both the existing rear access track and the access point onto Church Street where visibility is poor. As such the proposed development will be contrary to Policies S2, S6 and DR3 of the Herefordshire Unitary Development Plan”

There have been objections raised to the current proposal from local residents and the Town Council with respect to the vehicular access. However, the Council's Traffic Manager has raised no objection to the development, subject to conditions relating to cycle parking provision and a travel plan. In addition the applicant has provided evidence to show that delivery vehicles can turn within the site. In addition, they have indicated that there will be an average nine deliveries per week and that they will be during normal working hours. This is considered to be less than the number of vehicles that were likely to have entered/left the site when it was a post office sorting office. Also, there will be no customer nor staff parking at the rear, as this access will only be used for deliveries. There will be no public access from the rear.

Consequently, it is considered that the proposed development will be acceptable from a vehicle access point of view.

- 6.6 The proposed development in its revised form is, therefore, considered to be acceptable and in accordance with planning policies and guidance. There have been some objections received from local residents. However, after fully taking into account the points raised they are not considered sufficient to warrant refusal of planning permission.
- 6.7 In the absence of an adopted policy or developer contributions and, given the existing CCTV camera in Corn Square, it is not considered reasonable or necessary to insist that the developer pays for an additional camera.

## **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. B01 (Samples of external materials).**

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

3. Before any work commences on site drawings showing the east and west elevations of the new development at its western end 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 due to these elevations at that end not being submitted.

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 or from the site shall be allowed via 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. The open yard area at the eastern end of the site shall be used for deliveries only and not for staff or customer parking.**

**Reason: To define the terms to which this planning permission relates.**

- 15. E02 (Restriction on hours of delivery).**

**Reason: To safeguard the amenities of the locality.**

- 16. 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.**

- 17. 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. N14 - Party Wall Act 1996.**
- 4. 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.**
- 5. 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.**

- 6. HN25 - Travel plans.**



**7. N19 - Avoidance of doubt.**

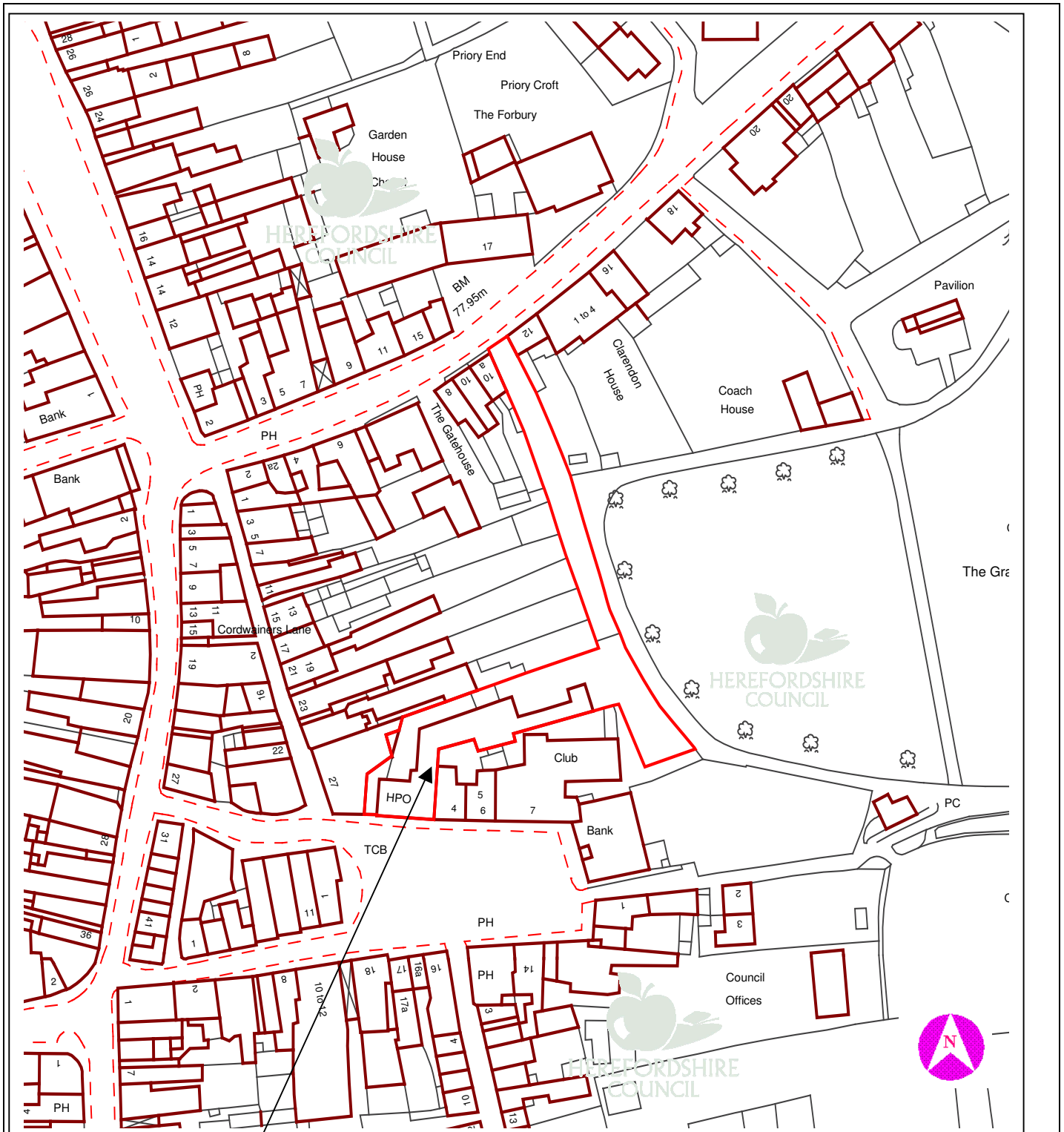
Decision: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2007/2672/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Former Post Office, Corn Square, Leominster

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