

MEETING:	PLANNING COMMITTEE
DATE:	12 MAY 2010
TITLE OF REPORT:	<p>DMCE/091754/F - ERECTION OF FREE STANDING TIMBER DECK TO FRONT OF PUBLIC HOUSE, DECK TO INCLUDE AMBULANT STEPPED ACCESS. PROVISION OF SATELLITE DISH TO BUILDING FRONTAGE AT NEW INN, BARTESTREE, HEREFORD, HR1 4BX.</p> <p>For: Ms Bird per Ms Penny Bird, New Inn (Public House), Hagley Hill, Bartestree, Hereford, HR1 4BX</p> <p>DMCE/091755/L - ERECTION OF FREE STANDING TIMBER DECK TO FRONT OF PUBLIC HOUSE, DECK TO INCLUDE AMBULANT STEPPED ACCESS. PROVISION OF SATELLITE DISH TO BUILDING FRONTAGE AT NEW INN, BARTESTREE, HEREFORD, HR1 4BX.</p> <p>For: Ms Bird per Ms Penny Bird, New Inn (Public House), Hagley Hill, Bartestree, Hereford, HR1 4BX</p>

Date Received: 23 July 2009

Ward: Hagley

Grid Ref: 356038,241207

Expiry Date: 21 December 2009

Local Members: Councillor Cllr DW Greenow

FUTHER INFORMATION REPORT

1. Background

1.1 These applications were reported to the meeting on 14 April 2010 when the Committee were minded to approve the applications contrary to the recommendation. The Development Control Manager and the Monitoring Officer advised that such a decision raised major policy issues. In accordance with the Constitution, Section 4.8.10 of Part 4, Section 8 – The Planning Rules, determination of the applications was deferred.

1.2 The updated report to that meeting is attached as an appendix.

2. Further Information

Further information on the subject of this report is available from Mike Willmont on 01432 261782

- 2.1 The Constitution in Section 4.8.10.2 of the Planning Rules sets out the requirements for the contents of this report.
- 2.2 Updating Members on any additional information received
- It has not been necessary to seek any.
- 2.3 Reporting on any discussions that have taken place with the applicants/objectors since the initial meeting.
- It was not considered necessary for further meetings or discussions with the applicant.
- 2.4 Setting of the legal procedure and likely financial implications of proceeding with the initial resolution
- 2.4.1 When determining applications for planning permission and listed building consent the law requires that special regard is had to the desirability of preserving the building or its setting or any features of special architectural interest it possesses. National policy advice is now set out in PPS5: Planning for the Historic Environment which advises that when determining applications the significance and value of the building should be taken into account and whether the new development makes a positive contribution.
- 2.4.2 The most applicable Unitary Development Plan policies and those set out in Policies DR1, HBA1 and HBA4. These reflect the law and national policy and set out criteria on which the proposals should be assessed.
- 2.4.3 The Officer recommendation remains that the decking has a major harmful impact on the building and its setting and that the amendments do little to ameliorate this harm.
- 2.4.4 In this case the Committee considered the proposed decking, as detailed in the revised scheme with the alterations to meet DDA requirements and the landscaping, would not harm the building or its setting. Additionally the Committee were of the view that the development would make a positive contribution to the business.
- 2.4.5 Having regard to these views in the event that the Committee approve the applications the following conditions would be appropriate.

Planning Permission and Listed Building Consent:

1. The decking hereby permitted shall be removed and the land returned to its former condition on or before 1 June 2015, in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Reason: To enable the local planning authority to retain control over the appearance and condition of the decking having regard to Policies HBA1 and HBA4 of the Herefordshire Unitary Development Plan.

2. Within three months of the date of this planning permission the decking shall be reconstructed and re-painted in accordance with the detail shown on drawing number 5798-1-4a received by the local planning authority on 24 March 2010.

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policies HBA1 and HBA4 of the Herefordshire Unitary Development Plan.

3. Within four months of the date of this permission the landscaping/hedge as detailed on drawing number 5798-1-4a shall be completed. The landscaping shall be maintained until 1 June 2015, or until the decking is removed. During this time any trees or shrubs which are removed, die or are seriously retarded shall be replaced during the next planting season.

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of the Herefordshire Unitary Development Plan.

4. Within three months of the date of this planning permission the satellite dish shall be removed from the front elevation of the building and re-sited in accordance with details which shall have been submitted to and approved in writing by the local planning authority.

Reason: To ensure the safeguarding of the special architectural or historic interest of the building and to comply with Policies HBA1 and HBA4 of the Herefordshire Unitary Development Plan.

2.5 Any Monitoring Officer Advice

Although the proposal is contrary to the gist of the relevant policies in the Unitary Development Plan it cannot be said that any decision to grant would be unreasonable in the light of the PPS5 which is guidance issued by the Government well after the provisions of the Unitary Development Plan were confirmed.

Paragraph HE3.1 (ii) specifically states one consideration should be a proposal's 'potential to be a catalyst for regeneration in an area, in particular through leisure, tourism and economic development.' Similarly paragraph HE7.4 states that it is important to have cognizance of 'the positive contribution that conservation of heritage assets...can make to the establishment and maintenance of sustainable communities and economic vitality by virtue of factors set out in HE3.1.'

As the Committee place significance on the proposal being a positive economic benefit to the area and a means of bringing the community together to grant this application would not be unreasonable.

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Date Received: 23 July 2009

Ward: Hagley

Grid Ref: 356039.0,241208.0

Expiry Date: 21 December 2009

Local Members: Councillor Cllr DW Greenow

Introduction

This application was deferred at the Planning Committee on 10 February 2010 to allow further discussions with the applicant with regards to the landscaping, the colour and finish of the decking and disabled access.

Amended plans have been received to incorporate a disabled access which meets the Disability Discrimination Acts standards and also identifying the existing decking and hand rails will be painted a chestnut brown. The amended plans also identify further landscaping in the form of a new hedge which wraps around the decking. Further consultations are taking place and these will be reported at the meeting. The report has been updated accordingly.

1. Site Description and Proposal

- 1.1 The New Inn is located in the heart of the village of Bartestree to the north of the A438 which runs through the village. The building is set back from the highway and is a large detached red brick building. It represents a particularly fine neo-gothic villa, and has been used as a public house since the 1950's. The building is grade II listed and has arched heads to all the windows and bands of decorative tiling. To the front and west of the building are grassed areas used in the summer as a beer garden, with car parking to the east. The site has two separate accesses from the A438.
- 1.2 This application is retrospective for the decking which has been constructed to the front of the building, which links the building to the grassed beer garden. The decking was constructed in May 2009 and since then there has been an on-site meeting between Officers and the applicant. The application also seeks retrospective permission for a satellite dish which has been constructed in the middle of the front of the building.
- 1.3 The decking is raised to the porch landing level and is currently accessed on the western side by steps and the eastern side by a ramp. The existing ramp measures 3.6 metres and has a slope of 655mm, which does not meet the Disabled Discrimination Act (DDA) standards. The amended plans which have been received now show an extended ramp which extends the whole length of the ramp in an attempt to meet with DDA standards. The ramp is split into 3 sections and has landing areas between each section. The decking projects 7.6m out from the front elevation of the building and extend 8.2m in width; however the amended plans show the ramp extending a further 3.1m across. The decking stands 0.7m high from the ground, with the softwood handrails having a maximum height of 3m from the ground.
- 1.4 The deck frame is currently stained blue, however it is indicated on the amended plans that the proposal is to re-stain the structure in a chestnut brown which represents a more subdued and sympathetic colour.
- 1.5 The amended plans have identified further landscaping on the site in the form of a new hedge which will wrap around the existing decking and proposed extended ramp. The hedge will comprise a mix of Holm Oak, Cherry, Flowering Semi Evergreen, Beech and Evergreen.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR3	-	Movement
H16	-	Car Parking
HBA1	-	Alterations and Extensions to Listed Buildings
HBA4	-	Setting of Listed Buildings

2.2 Planning Policy Statement 15: Planning for the Historic Environment

3. Planning History

- 3.1 DCCE2007/0086/F – Change of use of land within curtilage of public house to site 4 no. temporary touring caravans for occasional occupation. Refused 7 March 2007.

4. Consultation Summary

Statutory Consultations

4.1 English Heritage have made the following comments:

1. The satellite dish should not be on a visible part of the building.
2. If the decking is to be retained, conditions should be imposed requiring your council's prior approval to finishes and of planting to reduce its visual impact.

Comments on the revised proposals are:

1. Conditions should be imposed requiring your council's prior approval of all constructional and landscape details, materials and finishes.
2. Consent should not be granted for a satellite dish on the frontage, but another location at the rear may be acceptable.

Internal Council Advice

4.2 Traffic Manager: No objections. Comments on the revised proposals are awaited.

4.3 Conservation Officer: Objects to the proposal and recommends refusal. The timber decking has a major detrimental impact on the main façade of this important listed building as it is completely alien, very visually intrusive and damaging to the character of the building. Its domestic, suburban appearance disrupts the entrance and is completely at odds with the high quality materials, detailing and finishing found on the rest of the façade. The proposal is therefore considered contrary to the Herefordshire UDP Policy HBA4. It should be noted that we suggested an alternative location for the decking to the west of its current location. It was also noted that the current ramp did not meet DDA standards and the agent was advised that an extended ramp to the decking to meet the standards would only add to the intrusive nature of the development.

Comments on the revised proposals are as follows:

This is a fine Victorian Villa which makes a major contribution to the character of the area. It has many features of historic interest internally including tiles and fireplaces. We advised that the proposed needed consent and suggested an appropriate location. This advice has been ignored. We would still strongly object and recommend refusal. The proposal has increased the impact due to the larger ramp which is now proposed. The proposal would therefore continue to have a major impact on the character of the building as stated previously.

The timber deck has a major detrimental impact on the main front elevation of this important listed building as it is completely alien, very visually intrusive and damaging to the character of the building. Its domestic, suburban appearance disrupts the entrance and is completely at odds with the high quality materials, detailing and finishing found on the rest of the façade. We therefore believe that the proposal is contrary to the Herefordshire Unitary Development Plan Policy HBA4 which states that 'Development proposals which would adversely affect the setting of a listed building will not normally be permitted'. It would be highlighted that we have discussed the hedge with the landscape team leader. She believes that the hedge mix would be completely out of keeping with the local area and would detract from the setting of the building. We also have major concerns about the principle of the hedge. Either the proposal should be of a high enough quality to preserve and enhance the building or it should be refused. The principle of planting the hedge accepts that this proposal would be detrimental to the appearance of the building and therefore there is a need to hide this extension behind planting. It would be highlighted that the planting could be removed after a relatively short period but the decking would be permanent.

We would strongly object and recommend refusal as the proposal has a major detrimental impact on the appearance and setting of the listed building. The team leader of landscape

believes that the hedge mix is completely inappropriate and would make the situation worse rather than better. Therefore the proposal is contrary to policy. Should permission be granted contrary to our advice we would recommend that the hedge mix be changed and that an agreement be signed that the decking is removed if the business ceases to operate.

5. Representations

- 5.1 Lugwardine Parish Council: 'The structure as it is does not blend in with its surroundings, partly because of the colour. In addition it hardly enhances the appearance of the New Inn. On a positive note wheelchair access has now been provided, although we do not know to what extent it will be used. The committee was divided on the application. It is recognised that there is a need to support diversification and a need for change in the licensing trade, given the current climate.

With regards to the application to a site a satellite dish on the front of the building we do not support this aspect. However should it be sited say on the side of the building in a discrete location, we would support that, but we would expect the site to be chosen with care.

Comments on the revised proposals are as follows:

As per the discussion which took place regarding the original retrospective application, the committee was again divided.

On one hand it was felt that the application should be supported for the sake of the local community and business.

Alternatively it was felt that the provision of decking in front of this Grade II listed building was unacceptable.

An alternative suggestion was made that should improved quality materials, say in a similar construction of the main building be used, then it would be a different matter.

Re the satellite dish, the Committee accepted the dish would need to be positioned some where on the building but not on the front elevation. This location would be unacceptable.

- 5.2 One letter of support has been received from G. Brunt, 26 Frome Court, Bartestree and a petition in support of the development has been submitted by the applicant and contains 182 signatures. The comments are summarised as follows:

- The location of the decking gives the building more presence and permits people to see the detail of the stone work features.
- The decking does not affect any neighbouring properties.
- It allows for good observation of the children's play area.
- It is easily services for food and drink, all being at the same level.
- The deck improves access for all into the pub.

The decking has been a great success to the business serving both new and old customers to the building.

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

6. Officer's Appraisal

- 6.1 The New Inn is a designated grade II listed building and the Herefordshire Unitary Development Plan 2007 and Planning Policy Guidance 15 recognises that there is scope for alterations and extension to listed buildings providing the components which make up the special interest of the building, its features and setting are all preserved. Therefore the main consideration in the determination of this application is whether the proposal would have an adverse impact upon the listed building or the surroundings.

- 6.2 Following its construction in May 2009, enforcement action was commenced and there followed a site meeting with the agent and Officers. At this meeting advice was given that in its existing location the decking and the satellite dish were considered detrimental to the character and appearance of the building and its setting and alternative locations were discussed. This advice appears to have been ignored, and this application proposes to keep both in their existing locations, however the design and scale of the decking is altered to incorporate a disabled ramp which meets DDA standards.
- 6.3 The application site is in a prominent position in the heart of the village of Bartestree, with the building clearly visible from the adjoining A 438 highway. Policy HBA4 of the Herefordshire Unitary Development Plan states that 'development proposals which would affect the setting of a listed building will not be permitted'. The impact of such proposals should be judged in terms of scale, massing, location, detailed design and the effects of its uses and operations.
- 6.4 The siting of both the decking and the satellite dish are in the most prominent locations being on the front elevation. Whilst an attempt has been made to reduce the visual impact of the decking by changing the blue colour to an oak stain, its location and that of the satellite dish is the cause for concern. Both are considered to have a detrimental impact on the main façade of the building and are visually damaging to the character of the building. The amended plans with the enlarged ramp and proposed hedge are considered to add to the overall visual intrusion of the development and its impact on the setting of the Listed Building.
- 6.5 Whilst all comments relating to the positive impacts the decking has had on the business have been considered, its location and that of the satellite dish is considered to have such a major detrimental impact on the important building, as to warrant a refusal, especially as there is considered to be alternative locations within the site where both could be located to minimise the impact on the building and its setting. The applications are therefore recommended for refusal for the reason given below.

RECOMMENDATION

In respect of DMCE/091754/F that planning permission be refused for the following reason:

- 1 The design, massing, scale and the siting of the development, is considered to represent a visually intrusive form of development, which is detrimental to the overall character and appearance of the Grade II Listed Building and its setting, and is therefore contrary to Policies DR1, HBA1 and HBA4 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Guidance 15.**

In respect of DMCE/091755/L that Listed Building Consent be refused for the following reason:

- 1 The design, massing, scale and the siting of the development, is considered to represent a visually intrusive form of development, which is detrimental to the overall character and appearance of the Grade II Listed Building and its setting, and is therefore contrary to Policies DR1, HBA1 and HBA4 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Guidance 15.**

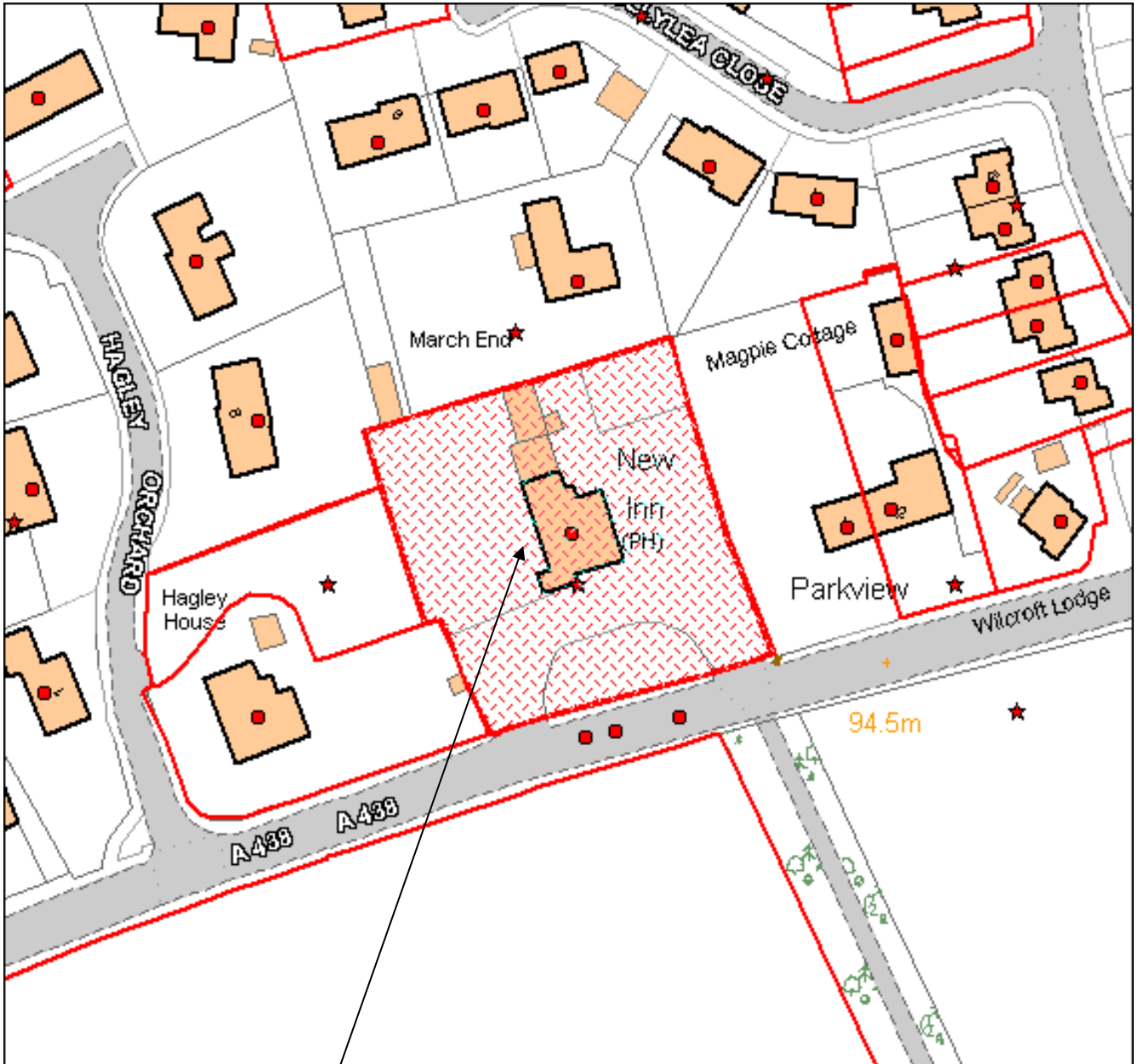
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMCE/091754/F

SITE ADDRESS : NEW INN, BARTESTREE, HEREFORD, HR1 4BX

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Further information on the subject of this report is available from Mike Willmont on 01432 261782