

Tab 10

120779



Town Planning & Development Consultants

TOWN & COUNTRY PLANNING ACT 1990

Application by Stonegate Pub Company

Proposed external bar

Site at: Yates's (formerly Litten Tree), 58 Commercial Road, Hereford

**STATEMENT IN SUPPORT OF PLANNING APPLICATION
INCORPORATING DESIGN & ACCESS STATEMENT**

**Prepared by
Paul Semple BA(Hons) MRTPI**

March 2012

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4.0 RELEVANT PLANNING POLICIES

- 4.1 The appropriate Development Plan for the application site is the Herefordshire Unitary Development Plan (UDP), adopted in March 2007, whose many policies were saved by a Direction from the Secretary of State issued on 24 February 2010.
- 4.2 The Development Plan is supported by Supplementary Planning Guidance (SPG) documents which give further advice and requirements evolving from Development Plan policies. The Council adopted an SPG on Design & Development Requirements in July 2004 to act as interim guidance to the Herefordshire UDP.
- 4.3 Saved Policy DR1 of the UDP on Design requires that all development, amongst other matters, respects the context of the site, taking into account townscape and the impact of the proposal on urban vistas, larger distance views and ridgelines.
- 4.4 This section of Commercial Road is situated within the Hereford Central Area Conservation Area. Saved Policy HBA6 on new development within conservation areas requires, amongst other matters, that it preserves or enhances its character or appearance, respecting the scale, massing and height in relation to adjoining buildings.
- 4.5 The Hereford Rapid Townscape Assessment (HRTA) published in March 2010 is one of a number of background studies that form part of the evidence base for the Herefordshire Council's Local Development Framework (LDF). Principally intended to contribute to an assessment of the city to accommodate growth allocated through the LDF, it will also assist in the preparation of a design framework for areas of development potential.
- 4.6 The part of Commercial Road in which the application site is located is contained within the Priory Portfields Character Area in the HRTA. The townscape of this area of Commercial Road is described as having a number of prominent buildings of three or four storeys in an area of commercial and leisure/entertainment activity.

1.0 INTRODUCTION

1.1 This document has been prepared to support and accompany a planning application by Stonegate Pub Company for an external bar at Yates's public house, 58 Commercial Road, Hereford.

1.2 It is set out in the following sections, including this introduction:

- 1.0** Introduction
- 2.0** Site & Surrounding Area
- 3.0** The Proposal
- 4.0** Relevant Planning Policies
- 5.0** Design & Access Statement
- 6.0** Summary & Conclusions

2.0 SITE DESCRIPTION

- 2.1 The former Litten Tree Public House, to be re-named Yates's, occupies the ground floor of 58 Commercial Road, Hereford and is part of a substantial building known as Jacobs Court, with a very distinctive frontage. Four storeys high, with the top floor partly in the roof space, it represents a very symmetrical frontage to Commercial Road, with granite colonnades dividing the front elevation into three distinct bays with semi-circular arched window openings at first and second floors, above a modern wooden shop frontage to the public house.
- 2.2 To the rear of the public house is an enclosed courtyard used as a sitting out area by its customers and separated from a vehicular access way from Commercial Road and a car park at the rear and side by a wooden fence. There are two jumbrellas in this sitting out area, which is accessed via a rear door from the public house. There is an emergency gated access onto the vehicular driveway from Commercial Road and a double door fire exit from the public house into the sitting out area.

3.0 PROPOSAL

- 3.1 The proposed single storey extension is effectively a free-standing outside bar contained within a shiplap-boarded building with a mono-pitch roof situated against the rear wall of the public house and adjacent to its rear escape route double doors. Its purpose is to serve drinks to customers using the outside sitting area.
- 3.2 It is described in more detail in the Design & Access Statement contained within Section 5, but has an opening service hatch facing out onto the sitting out area and is accessed by serving staff only via a side door.

5.0 DESIGN & ACCESS STATEMENT

- 5.1 As required by section 42 of the Planning & Compulsory Purchase Act 2004, a Design & Access Statement has to be submitted with a planning application to explain and justify proposals and cover the design principles and concepts that have been applied to the development. The following sections set out the requisite aspects of the proposal, where appropriate.
- 5.2 **Amount:** The proposal is to provide a 3 metre by 2.4 metre external bar, housed in a tanilised shiplap-boarded single storey building.
- 5.3 **Layout:** The bar occupies a location in the public house's rear outside sitting area. It will occupy a position abutting the rear elevation of the building and adjacent to, but clear of, the emergency exit/fire doors to the public house. It will enable staff both to serve drinks to customers using the outside seating area and through its location enable them to visually monitor their customers and have a physical presence outside. It will result in the relocation of one circular table and eight chairs to elsewhere in the outside area and a new electrical mains box and bottle store.
- 5.4 **Scale:** The 3 x 2.4 metre building has a height to its mono-pitched roof of 2.5 metre with a 2 metre-high access door and a 1.5 metre-wide opening hatch.
- 5.5 **Landscaping:** there is no hard or soft landscaping proposed as part of the application.
- 5.6 **Appearance:** The external bar will have a functional appearance, but be clad in tanilised shiplap-boarding to soften its overall visual impact, with a steel security door and opening hatch that also provides shelter from the elements.
- 5.7 **Access:** The outside bar is intended to be access internally by staff only and has a lockable security door for safety reasons. Customers can access the drinks served from it by a service hatch during normal licensing hours. Access to the outside sitting area in which it is located is through the public house.

6.0 SUMMARY & CONCLUSIONS

- 6.1 The public house forms the ground floor unit of a very distinctive building fronting onto Commercial Road. The rear of the building is much more utilitarian in appearance and long to medium distance public views into it are restricted by development along Union Walk and Kyrle Street. Closer, shorter distance views are restricted to private access ways and car parks where the existing fence that encloses the sitting out area contains views, with the jumbrellas further screening views to the rear elevation of the building.
- 6.2 The proposed outside bar will be seen against this rear elevation. Because of its limited size, height and mono-pitch roof, it will have minimum visual impact when seen in any view from outside of the public house's curtilage and therefore it is considered it preserves the overall character of this part of the Central Conservation Area with its townscape 'back of house' appearance and character, and respects the context of the site as required by saved UDP policies.

DELEGATED DECISION REPORT

APPLICATION NUMBER S120779/F

58 Commercial Road, Hereford, Herefordshire HR1 2BP

CASE OFFICER: Mr E Thomas
DATE OF SITE VISIT: 18th April 2012

Relevant Development HBA6, ARCH7, DR1
Plan Policies: NPPF

CONSULTATIONS

| | Consulted | No Response | No objection | Qualified Comment | Object |
|-------------------------------|-----------|-------------|--------------|-------------------|--------|
| Town Council | Y | | X | | |
| Transportation | Y | | X | | |
| Historic Buildings Officer | Y | | X | | |
| Environmental Health | Y | X | | | |
| Neighbour letter/ Site Notice | Y | X | | | |
| Local Member | Y | | X | | |

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application seeks permission retrospectively for the retention of a freestanding servery in the rear beer garden at the recently rebranded Yates' Wine Bar (formerly The Litten Tree), 58 Commercial Road, Hereford. The public house is a large and prominent building extending deep into the site, beyond which there is a beer garden with seating area. To the immediate NE is the Hop Pole beer garden. To the SW is the parking area to the rear of Jacob's Court apartments. Kyrle Close, a terrace of 5 dwellings beyond the SE boundary.

The building has, essentially, the appearance of a garden shed, with serving hatch facing the garden and personnel door in the SW facing elevation. It is not attached to the building but is only inches from it. It is a modest timber-framed and clad structure, dark stained. Very is a very shallow fall towards the main building. It is 4m x 2.970m in plan and 2.5m at its tallest.

The site is within the Conservation Area and the AAI, although as a freestanding structure there has been no ground disturbance.

Representations:

Town Council: No objection
Transportation: No objection
Historic Buildings Officer: No objection
Environmental Health: No response
Neighbour/Notice: No response
Local Member: No objection

Pre-application discussion: No

Constraints: HBA6; ARCH7 - AAI

Appraisal:

The structure is timber, small and self-effacing. It has very little publicly felt impact being to the rear of the far larger pub building and thus seen against the backdrop of this and other large, typically brick buildings. As such, it is my opinion that the proposal would preserve the character and appearance of this part of the Conservation Area in a manner that complies with primary legislation in the form of s.73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy HBA6 of the UDP. The Conservation Officer has no objection.

There is no impact upon the potential archaeological interest of the site, as the development has not disturbed the ground in any way.

Whilst the building contains a servery for the beer garden, this would not, in my view, give rise to any additional noise issues. Such issues could be controlled via the licensing regime in any case.

The application is recommended for approval.

RECOMMENDATION: PERMIT REFUSE

CONDITION(S) & REASON(S) / REASON(S) FOR REFUSAL:

(please note any variations to standard conditions)

Unconditional - retrospective

Reasons for Approval

The proposal has been considered with regard to Policy HBA6 of the Herefordshire Unitary Development Plan, The Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the National Planning Policy Framework. The local planning authority considers the proposal to preserve the appearance of the conservation area and has no implications for the potential archaeological interest of the site.

Signed:  Dated: 17th May 2012

TEAM LEADER'S COMMENTS:

Note - please ensure description is change to reflect freestanding nature of building

DECISION:  PERMIT REFUSE

Signed: Dated: 17/5/12

Thomas, Edward

From: Paul Semple [REDACTED]
Sent: 19 April 2012 08:20
To: Thomas, Edward
Subject: RE: S120779/F - 58 Commercial Road (Yates' Wine Bar), Hereford

Ed: Further to your email I concur with your suggested wording for the now retrospective application for an outside bar at the above.

Thank you also for the photographs. Some clients believed that now the application has been submitted it is in order to carry out the development, despite what we advise....

Regards,

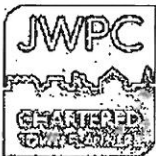
Paul Semple

Associate Director

JWPC Limited
The Quadrangle, Banbury Road, Woodstock, Oxon. OX20 1LH

Tel: 01993 814580
Mb: 07810 764298

Also at London and Lancaster



www.jwpc.co.uk

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From: Thomas, Edward [<mailto:ethomas@herefordshire.gov.uk>]
Sent: 18 April 2012 16:05
To: Paul Semple
Subject: S120779/F - 58 Commercial Road (Yates' Wine Bar), Hereford

Dear Mr Semple,

Attached are photos of the structure, already installed. As discussed I don't feel that the current description "single-storey rear extension" is accurate in the context that the structure is not physically attached to the building, and the application is retrospective. I would be grateful if you would agree to an amendment as follows:

"Application for the retention of freestanding external bar in rear beer garden"

I look forward to hearing from you shortly.

Kind regards
Ed Thomas

Edward Thomas
Principal Planning Officer
Tel: 01432 260479
Fax: 01432 261970
ethomas@herefordshire.gov.uk

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