

To: Naomi Waddington[Naomi.Waddington@harrogate.gov.uk]
From: Jennifer Hubbard
Sent: Mon 21/05/2018 4:09:27 PM
Importance: Normal
Subject: Planning application 18/01087/FUL The Henry Jenkins Kirkby Malzeard
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Dear Ms Waddington,

When we spoke last week we agreed to speak again after you had discussed with the Chair of the Planning Committee whether a decision on the above application is to be delegated. I also undertook to look further into the recent history of the Henry Jenkins and review the guidance notes to Policy CFX, which I have now done. I have not yet been able to speak to the agent for the owner of the retained Henry Jenkins who I understand prepared the recent appeal documentation and attended the Hearing and I cannot pretend my comments below are the result of an exhaustive investigation: nevertheless, I would welcome your comments on where I have got to so far.

1. At paragraph 4.4.3 of the web version of Policy CFX guidance note it is suggested that where a community asset occupies a large site or building, the asset may be retained in part only of the premises if that part contains all the elements necessary to enable the asset to function. In my letter of 9th March 2018 accompanying the application I note specifically that that part of the Henry Jenkins which my Client has not purchased contains all the necessary facilities to operate as a Public House: also that when the current application site was added to the Henry Jenkins in the 1970s, this was to provide a restaurant not to extend the public drinking areas. I appreciate that the approach set out at paragraph 4.4.3 is described as part of a sequential marketing exercise. As I read the recent appeal decision, the Inspector is not saying that the marketing carried out by the previous owner of my Client's site was fundamentally defective but it was – and I paraphrase – not as comprehensive as it might have been. It is not clear to me whether the paragraph 4.4.3 guidance formed part of any marketing exercise submitted to the Council or discussed at the appeal Hearing but it seems to me to be material to my Client's application.

I have also looked at a number of websites/pages of the Save Henry Jenkins group and in particular the uses to which the premises might be put in the event that the group were to purchase the entirety of the site. The uses include a coffee shop, microbrewery, baker, bunkhouse/bed and breakfast, IT and other commercial space(s) and a 24 hour gym – all apparently to be let out to local concerns.

I do not know whether the group has carried out a detailed Viability Appraisal in support of its aspirations for the Henry Jenkins but suggesting that the premises could be used for a wide range of commercial rather than community uses simply confirms that the entirety of the site is not needed to retain a public house.

2. The area to the rear of the current application site is adequate for about 4 parking spaces, plus turning. This parking provision fails to meet NYCC's minimum parking standards by some considerable margin whether for a public house or any other community use referred to in Policy CFX, the accompanying Local Plan explanatory text or guidance notes. I am struggling to understand why, in these circumstances, Criterion A of the policy does not come into play which would permit the proposed change of use to a single dwelling. I note also that the Parish Council whilst not expressly supporting or opposing the current application nevertheless expresses considerable concern about parking generally in the vicinity of the Henry Jenkins.

I have advised my Client of the contents of your e-mail of 9th May 2018: also that I needed to do some further investigation based on your e-mail and our subsequent discussion – hence the above.

Your comments and the outcome of the discussion with the Committee Chair would be much appreciated.

Kind regards.

Jennifer Hubbard

Sent on behalf of Jennifer Hubbard

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