

From: Jennifer Hubbard <planning@jenniferhubbard.co.uk>
Sent: 31 May 2018 12:15
To: Naomi Waddington
Subject: FW: RE: Planning application 18/01087/FULL: The Henry Jenkins, Kirby Malzeard

From: Jennifer Hubbard [<mailto:planning@jenniferhubbard.co.uk>]
Sent: 31 May 2018 12:14
To: 'Naomi Waddington'
Subject: FW: RE: Planning application 18/01087/FULL: The Henry Jenkins, Kirby Malzeard

Bounced back first time so re-sending.

Kind regards.

Karen Patrick
Secretary to Jennifer Hubbard

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From: Jennifer Hubbard [<mailto:planning@jenniferhubbard.co.uk>]
Sent: 31 May 2018 12:12
To: 'Naomi Waddington'
Subject: RE: Planning application 18/01087/FULL: The Henry Jenkins, Kirby Malzeard

Dear Ms Waddington,

Thank you for your e-mail. I appreciate the time you have taken to explain the Council's position.

I am hampered somewhat in interpreting some of the comments of the recent Appeal Inspector as I was not instructed at the time of the appeal and am relying on second or third hand reports of what was discussed at the Hearing. You note that the Inspector records the Council's view that *the existing use did not create unacceptable planning problems*. I assume "planning problems" in this context would potentially include parking but my understanding is that the appeal was not conducted by the Appellant on grounds relating to parking provision.

Clearly I need to understand – or better understand – the basis on which my Client purchased the application site and I have suggested to him that we (he and I) should meet the previous owner of the site to discuss their respective aspirations. My diary is relatively clear for the next 2/3 weeks so I hope the meeting can take place, if agreeable to the other parties, in the very near future.

There are also aspects of the Council's position that I do not yet fully understand. For example, Policy CFX and its accompanying advice note appear to contemplate the change of use of part of a community facility if the facility is – and I paraphrase – too big to remain viable. Clearly I am not in possession of all of the facts but, as I pointed out in my e-mail of 21st May, the Save Henry Jenkins group's proposals for the premises as set out on their website include a number of commercial facilities and in its response to my Client's application, the Henry Jenkins Community Co-op reiterates its proposal to introduce a range of other (i.e. non-pub) enterprises in the event that it could acquire the Henry Jenkins.

I appreciate some commercial facilities could also reasonably be described as community facilities – the post office - for example - but it seems to me that in its interpretation of Policy CFX and related national guidance the Council is spreading the definitional net far too widely. On what basis, for example, could a micro brewery, gym, cafe or cycle repair shop be considered as community facilities? Would the Council oppose the change of use or redevelopment of premises occupied by – say – Theakstons, a David Lloyd Leisure Centre, Betty's or Halfords on the grounds that these were community facilities? The difference is only one of scale and I feel I need to investigate this aspect further.

In the meantime, I would welcome your comments on one particular related issue. In my view, the sale of part of the Henry Jenkins has had the effect of creating 2 separate planning units one of which (the "retained" Henry Jenkins) contains all necessary facilities to enable it to operate as a "pub". The other (the application site) was added to the Henry Jenkins in the mid 1970s to provide a restaurant. It seems the Council is saying that despite a change in ownership of part of the premises, the various activities which previously took place in different parts of the Henry Jenkins prior to my Clients acquisition of the application site, cannot be disaggregated and, in planning terms, the "pub" use extends across the entirety of the premises. It is on this basis the Council contends Policy CFX remains relevant. I think, re-reading your e-mails, this must be the Council's position but your confirmation would be appreciated.

Yours sincerely,

Jennifer Hubbard

Sent on behalf of Jennifer Hubbard

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