

9 DCNE0009/1213/F - PROPOSED CHANGE OF USE TO A DWELLING. 16 NEW MILLS COMMUNITY CENTRE, FROME BROOK ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FH.

For: ZZZZ (UK) Limited per Mr S Firkins SF Planning Limited, 38 Pilley Lane, Leckhampton, Cheltenham, GL53 9ER.

Date Received: 4 June 2009 Ward: Ledbury Grid Ref: 70420, 38291

Expiry Date: 30 July 2009

Local Members: Councillors ME Cooper, JK Swinburne and PJ Watts

1. Site Description and Proposal

- 1.1 The application site, accessed from Frome Brook road, is located on an established residential estate in Ledbury.
- 1.2 The application site is a community hall with associated curtilage area to the front and rear, which is adjoined by existing residential properties.
- 1.3 The proposal is for the change of use of a community hall to a residential property.

2. Policies

2.1 Herefordshire Unitary Development Plan:

- DR1 – Design
- DR2 – Land use and activity
- H1 – Hereford and the market towns settlement boundaries and established residential areas
- H13 – Sustainable residential design
- H14 – Re-using previously developed land and buildings
- H16 – Car parking
- CF5 – Retention of existing community facilities

3. Planning History

- 3.1 DCNE2001/2396/F – The erection of 17 number single storey dwelling, shop unit and community room – approved with conditions 2002.

MH/320/89 – Residential Development, Industrial Development, ancillary roads, sewers, open space, and landscaping – approved on appeal 1990.

4. Consultation Summary

Internal Council Advice

- 4.1 The Council's Highways department makes no objection to the proposal.
- 4.2 The Council's Senior Legal Executive raises no objection to the proposal.

5. Representations

5.1 The Parish Council objects to the proposal on the following the grounds:

- The land was not designated for housing and refers to a Malvern Hills District Council Planning Obligation Deed of Agreement dated 1996 where the land is reserved for community uses.
- Considers the property has not been used or run properly as a community resource but rather as a private business

5.2 Ledbury & District Civic Society reiterates that the provision of a community facility was a condition of the original permission of the New Mills housing estate. Questions over the adequacy of the marketing and rental rates have been asked.

5.3 One representation has been received from a local resident, Mr J Jamfrey, 14 Frome Brook Road, Ledbury, HR8 2FH, this makes no objection to the proposal but requests that unrestricted access rights for the maintenance of their property, which adjoin the application, are maintained.

5.4 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 proposal follows pre-application discussions with the Local Planning Authority in which the required marketing evidence and proposed alternative uses were discussed.

History

6.2 The community hall was part of the original requirements of the New Mills masterplan, which included houses, shops and facilities and open space provision.

6.3 This overall scheme was approved in planning permission NE01/2396/F, and the community hall and shop were provided within this. The inadequacy of and lack of demand for a community shop led to the change of use from shop to residential unit which was approved in 2004 (NE04/0656/F).

6.4 The community hall has principally been occupied by 'Mucky Pups' nursery, who occupied the property until approximately 18 months ago, whereby they relocated within Ledbury. The nursery paid an annual rent of £6,000 and it was at this rental price that the property has been marketed.

6.5 The 1996 Section 106 agreement placed upon this land, known as Area 15 in the original Masterplan, contained a clause protecting the use of the community centre for appropriate community purposes unless after a specified period connected to the transfer of Social Housing land, the centre was not transferred to the Council or another agreed nominee. If the transfer did not occur then the land and community facilities could with appropriate planning permission be used for another use, including general housing.

6.6 The transfer did not take place and the time period for this to occur expired in November 2008.

- 6.7 The Council's Senior Legal Executive confirms the requirements of the 1996 Section 106 agreement have been complied with and the application is compliant with the clauses contained in it.

Marketing

- 6.5 The estate agents have confirmed that three expressions of interest in the property were made, and were:
- Proposed takeaway
 - Proposed dance studio
 - Proposed Church
- 6.6 The LPA was approached by the person(s) interested in the proposed takeaway and dance studio proposals.
- 6.7 The takeaway proposal was rejected primarily on amenity grounds.
- 6.8 The proposed dance use required an extension to the rear. This was considered unacceptable by Officers due to the resultant impact of such an extension on adjoining residential properties in regards amenity and massing.
- 6.9 In addition the property has been marketed for functions such as parties and events such as bridge nights. There has been limited interest in the use of the hall for these range of functions. In the main this is considered to be due to the range of conference and meeting type facilities available in Ledbury, which includes public houses, many of which have function rooms.

Recommendation

- 6.10 The UDP seeks to retain community facilities wherever possible. Policy CF6 outlines the situations where facilities can be converted to alternative uses. It is considered, as with the shop situation adjacent, which was converted to residential use in 2004, that alternative facilities of at least equal benefit exist in reasonable proximity to the location.
- 6.11 The marketing evidence supplied demonstrates that there is no need for this facility in this location, or at least the facility is of an inadequate size and scale to accommodate potential community uses. An appropriate marketing activity at an appropriate rental price has been carried out on this property with no success.
- 6.12 The change of use to residential is compatible with and complements the adjoining residential properties, which in this frontage are also bungalows.
- 6.13 The property has a residential appearance although no external alterations are proposed except for amendments to the existing rear windows, and new external doors.
- 6.14 The removal of permitted development rights ensures the amenity of the immediately adjacent properties are protected.
- 6.15 Given the applicant's intention to commence development within 1 year, no Section 106 agreement contribution is payable, however this position is subject to the appropriate condition outlined in the recommendation.

RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)) - 12 Months**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **F14 (Removal of permitted development rights)**

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan.

INFORMATIVES:

1. **N15 - Reason(s) for the Grant of Planning Permission**
2. **N19 - Avoidance of doubt - Approved Plans**
3. **The existing civil legal rights enjoyed by the owner/occupiers of adjacent residential properties in respect of maintenance and access must be respected.**

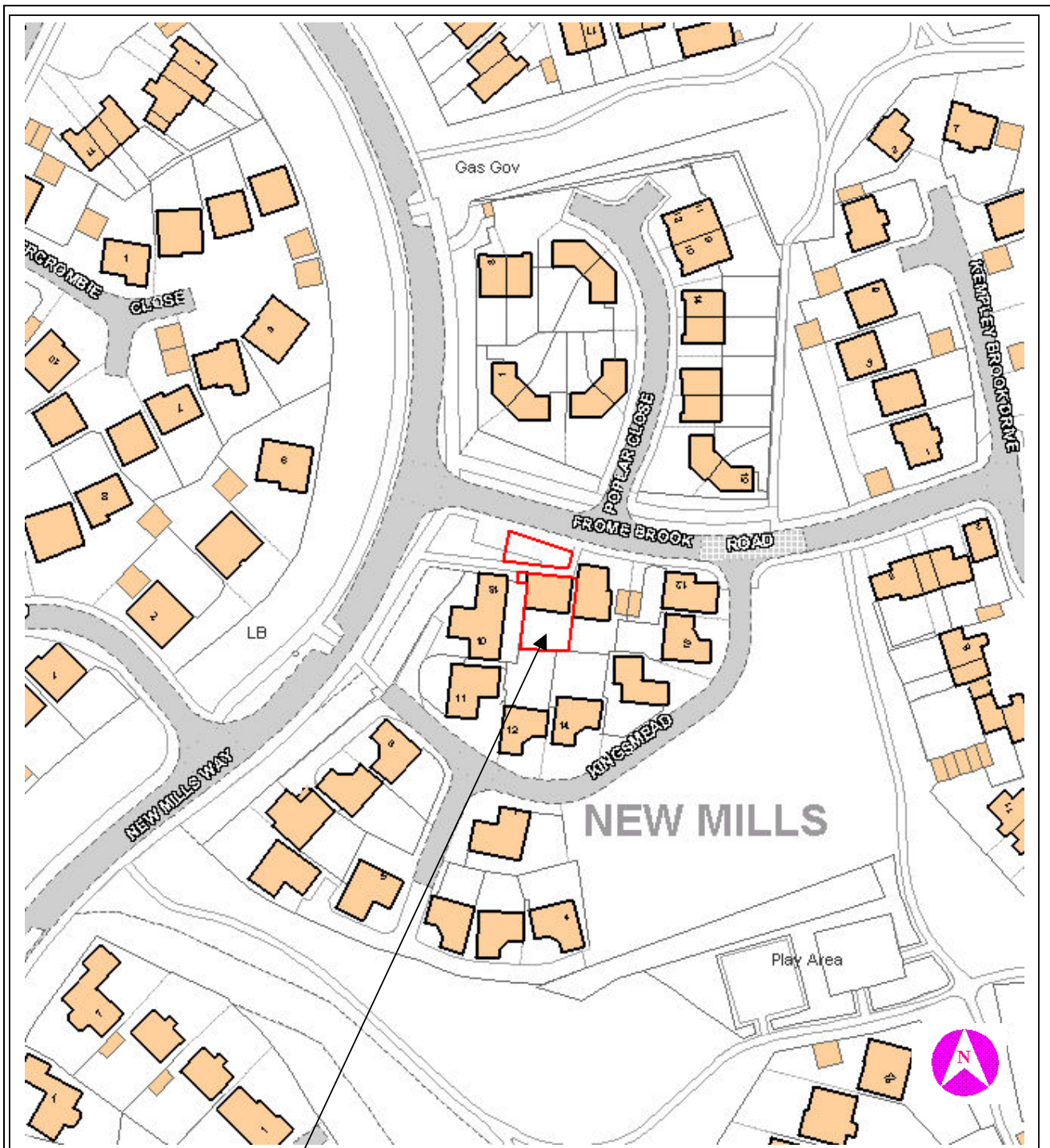
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE0009/1213/F

SCALE : 1 : 1250

SITE ADDRESS : 16 New Mills Community Centre, Frome Bank Road, Ledbury, Herefordshire, HR8 2FH

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