

25 DCNE2003/3101/F - CHANGE OF USE TO PRE-SCHOOL FROM MONDAY - FRIDAY, AND FOOTBALL CLUB ROOM FROM SATURDAY – SUNDAY AT THE OLD CHANGING ROOMS, LEDBURY RUGBY CLUB, LEDBURY, HEREFORDSHIRE

For: Mucky Pups Pre-school at above address.

Date Received:
28th October 2003

Ward:
Ledbury

Grid Ref:
69931, 36732

Expiry Date:
23rd December 2003

Local Members: Councillor D Rule, Council P Harling & Councillor B Ashton

1. Site Description and Proposal

- 1.1 The Old Changing Rooms are located within the grounds of the new Ledbury Rugby Club on the northern side of the Ross to Ledbury A44 road at Ledbury.
- 1.2 Planning permission is sought to change the use of the building for pre-school use from Monday to Friday and as a football club room on Saturday and Sundays for Ledbury Swifts Football Club.
- 1.3 The building is located to the west of the complex of building and is timber framed with a mineral felt roof. Access would be through the car park and main entrance to the Rugby Club.
- 1.4 An indoor rifle range is located in the building behind this building.

2. Policies

Planning Policy Guidance Note 25 – Development and Flood Risk

Hereford and Worcester County Structure Plan

CTC9 – Development Requirements

Malvern Hills District Local Plan

Environment Policy 1 – Location of Development

Environment Policy 9 – Flood Defence

Transport Policy 11 – Traffic Impact

Herefordshire Unitary Development Plan (deposit draft)

S11 – Community Facilities and Services

DR7 – Flood Risk

T11 – Parking Provisions

CF5 – Community Facilities

3. Planning History

78/1505 – Erection of changing rooms and toilet – Approved 4 September 1978

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency comment as follows:

The Agency wishes to uphold its previous objection to the proposed development, as submitted, on flood risk grounds. Although the site is not located with the Indicative Floodplain, this map is considered to be inaccurate, in this location, as the site is located within the Agency's historical floodplain records. During the last major flooding event, in the Easter of 1988, water was recorded as rising to 450mm – 600mm above floor levels of the club building at this site. The 1998 historic event is considered to be less than a 1% apf (annual probability flooding) event (the standard that PPG25 requires to consider and therefore a 1 in 100 year event would be expected to result in higher level of flooding).

It is considered that as the building in question may be surrounded by flood water in this event of a flood, the Agency would not recommend it for use by very young children (for pre-school use as proposes) as the flooding implies risk to life (to a vulnerable aspect of society). The new use would also be likely to involve a greater financial loss through possible flood damage compared to the existing use (as a changing room). The Agency still have concerns regarding the granting of any planning permission, based on the information as submitted with this application at this time and due to the historical evidence that the Agency have for this site.

I refer to PPG25 – Development and Flood Risk, which sets out to reduce the risk to people and the developed and natural environment from flooding. No Flood Risk Assessment was submitted with this application by the applicant as required by para. 60 of PPG25. Para. 20 of PPG25 states that 'those proposing particular developments are responsible for:

“Providing an assessment of whether any proposed development is likely to be affected by flooding and whether it will increase flood risk elsewhere and of the measures proposed to deal with these effects and risks and;

satisfying the local planning authority that any flood risk to the development or additional risk arising from the proposal will be successfully managed with the minimum environmental effect, to ensure that the site can be developed and occupied safely”.

The Agency's letter of objection dated 18th November 2003 requested an FRA to identify the following:

- a) Likely speed and depths of flooding in this locality.
- b) The risk to the development and the occupants.

As a FRA has not been submitted and as the Local planning authority are minded to grant permission the Agency would suggest that the applicant considers the use of flood proof measures, as outlined in the Agency's booklet 'Damage Limitation – How to make your Home Flood Resistant' (9copy forwarded to the applicant) and the ODPM guidance for improving the flood resistance of domestic and small business properties, 'Preparing for Floods' on www.safety.odpm.gov.uk/bregs/floods/.

As the site is likely to flood, in the interest of safety and minimising the risk of flood related danger in the flood risk area the local planning authority may wish to consider the following conditions:

a) Flood warning notices shall be erected and maintained in numbers, positions and with wording all to be approved by the Local Planning Authority prior to the commencement of the development. The notices shall be kept legible and clear of obstruction.

Reason: To minimise the flood related danger to people in the flood risk area.

b) Prior to the occupation of the development, an Excavation Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Authority Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area.

Internal Council Advice

4.2 Head of Engineering and Transportation raises no objections

4.3 Education Director supports the application.

5. Representations

5.1 Ledbury Town Council's recommend Approval.

5.2 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

The key issue to consider is the flood capability of this site. The Environment Agency have submitted strong objections as the building is located within a known flood plain where the adjoining Ledbury Rugby Club building was flooded to a depth of 600mm above flood levels in the 1998 Easter floods. Accordingly it is not considered to be an acceptable site to establish a permanent pre-school establishment on this site. Furthermore due to its location outside of the by-pass it is likely that all users of the building would travel by car which is not sustainable. The applicants presently use a

former bungalow at Leadon Bank Care Home but the Council’s Property Section are insisting that they vacate at the end of this month. Planning Officers have discussed several buildings but none are available at present or are unsuitable. Efforts are still continuing to find a more appropriately located building for this valued service that is provided by the applicants.

In essence the applicants will become “homeless” by the end of December. Therefore in order that this group can continue a temporary permission with conditions as recommended by the Environment Agency is considered acceptable in the short-term. However, it must be recognised that due to flooding problems the site is considered unsuitable for a permanent permission. A 12 month permission will enable efforts to continue to find a permanent site in a more suitable location.

RECOMMENDATION

That a temporary permission be granted subject to the following conditions:

1 - E20 (Temporary permission)(15th December 2004)

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

2 - Flood warning notices shall be erected and maintained in numbers, positions and with wording all to be approved by the Local Planning Authority prior to the commencement of the development. The notices shall be kept legible and clear of obstruction.

Reason: To minimise the flood related danger to people in the flood risk area.

3 - Prior to the occupation of the development, an Excavation Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Authority Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.