

10 DCNC2005/0062/F – NEW BUILD FAMILY CENTRE AT REAR OF TOP GARAGE, PANNIERS LANE, BROMYARD, HEREFORDSHIRE, HR7 4QU**For: Hope Family Centre per Property Services
Herefordshire Council Franklin House 4 Commercial
Road Hereford HR1 2BB****Date Received:
10th January 2005****Ward:
Bromyard****Grid Ref:
64469, 53876****Expiry Date:
7th March 2005**

Local Member: Councillors P J Dauncey and B Hunt

Introduction

This application was deferred at the last meeting of the Sub-Committee for the applicant to provide justification for the repositioning of the family centre building, and consideration to the retention of a leylandii hedge that runs along the northern boundary of the site. The applicant has said:

'I am writing with reference to the question raised at the last meeting of the Planning Committee regarding the reasons for moving the proposed Family Centre within the site. It might be helpful to Members to know that originally the Trustees intended to locate the building on land leased from and adjoining Top Garage. Instead, however, the charity has managed to raise the capital to buy land and has been given the opportunity of buying the adjacent land within the site from Top Garage. This is the only available site for purchase as it leaves the Top Garage the opportunity to further develop their land if needed.

The reason for relocating the building within the land available for purchase is due to the actions of Mr Morris, the neighbour. Mr Morris withdrew his permission to remove part of his hedge to allow the visibility splay onto Panniers Lane, therefore a variation to the planning application had to be submitted and the centre had to be moved within the site to allow a safe access onto the Hereford Road. Secondly, Mr Morris requested trustees not to site the centre next to his bungalow and we have endeavoured to meet his request.

This centre will be a huge asset for Bromyard, providing a much-needed facility for the families of Bromyard. Other sources of land and buildings have been explored, however it has not been possible for the charity to purchase this size of land for the price.

The Hope charity has been in existence for 5 years and has worked in some very difficult circumstances, the lack of a permanent home is now becoming crucial to the continuation of the charity. Starting with 2 families, we now serve 40 children with the playgroup, 25 families with family support and over 125 families have or are using our training and family group resources. Many adults receiving training through hope have gone on to gain employment. We work very closely with, and have huge support from many statutory agencies including the local Primary Health Care team, Social Services, Local Education Association, local schools, Home Start and Women's Aid.

The playgroup has received an excellent Ofsted report which recognised the difficulties of working in temporary facilities. Sure Start, the Daycare Trust and Capacity have all evaluated Hope and found it to provide a service which is hugely beneficial not only to the immediate clients but also the wider community. Copies of reports will be made available for the members of the Committee.

Funding has been secured from Sure Start, Market Towns Initiative, European funding, Church Urban Fund, Lloyds TSB, Countryside Agency and numerous smaller funding bodies. The families have also been fundraising for many years.

It is now paramount we secure planning as soon as possible in order for the building to be finished by the European Object 2 funding deadline.'

1. Site Description and Proposal

- 1.1 The site is located on the west side of the A465, Hereford road, and on the north side of Top Garage. There is a high conifer hedge to the north, beyond which is Touchwood and Cliff Morris Haulage Yard. Bromyard High School is further along.
- 1.2 This application proposes to relocate a single storey building that will accommodate family rooms, creche and offices to be used in connection with Hope Family Centre, an organisation that provides assistance to disabled people. The application proposes to re-locate the building close to the boundary with Panniers Lane, and adjacent to the a strage building on the adjoining haulage yard. Access off Hereford Road and parking for 10 vehicles, including a 2 disabled parking bays is also proposed.

2. Policies

2.1 Malvern Hills District Local Plan

Landscape Policy 1 – Development outside settlement boundaries

2.2 Hereford and Worcester County Structure Plan

CTC9 – Development criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR1 - Design

LA5 – Protection of trees, woodlands and hedgerows

CF5 – New community facilitie

2.4 PPS1 – Delivering Sustainable Development

3. Planning History

MH94/0499 - Restaurant and bedroom block. Refused 2.8.94.

Appeal allowed 6.3.95.

MH94/1172/O - Restaurant. Approved 25.10.94.

NC2003/2440/F - Family centre. Approved. 2.12.03.

DCNC2004/1515/F - Variation of condition 3 – relocation of access. Approved 12.7.04.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No objection.

Internal Council Advice

4.2 Traffic Manager: No objection.

5. Representations

5.1 Bromyard and Winslow Town Council: “My Council objected to the siting of the building proposed as shown on the submitted layout plans on the grounds that being so close to the neighbouring dwelling to the north east and having regard to the intended use of that building the development proposed would harm the amenities of that neighboring dwelling.”

5.2 Bromyard and Winslow Town Council – Amended plan: In support of this application subject to the following condition: that the 30mph speed limit excersised to the east of that proposed site on the A465 be extended westward to include the access to the family centre thereby improving traffic safety at this junction.

5.3 Avenbury Parish Council: support this application.

5.4 Letters of objection has been received from:

Eleanor Morris, Touchwood, Panniers Lane, Bromyard
CT Morris, Touchwood, Panniers Lane, Bromyard

a) The windows and entrance of the building look directly into my garden and the children's play area is less than 6ft wide bordering directly onto my garden and my own children's play area.

b) No provision has been made for fencing to keep the users of the Family Centre away from private residential land and to prevent nuisance and trespass.

c) It will cause substantial impact on the quiet enjoyment of our home.

d) There is no provision for landscaping.

e) The current plan shows that the hedge will be removed and replaced by a whilly inadequate fence. The fence should be at least 2.5metres high.

f) The hedge provides screening to my haulage yard.

g) A 11,000volt overhead line crosses the site.

h) The proposed car park will be adjacent to my children’s play area, sitting room, vegetable garden, conservatory and kitchen door. We will be subject to constant noise, exhaust fumes and disturbance.

- i) The applicant has variously stated that 35 to 55 children will use the centre with up to 8 employees and no doubt visitors. This in turn will lead to excess of 100 car movements per day.
 - j) The revised plan shows an overlarge turning area.
 - k) Concerned that visibility splay for the entrance onto the Hereford Road cannot be provided without disturbance to my hedge.
- 5.5 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

- 6.1 This application is for the relocation of the Hope Family Centre building approved under NC2003/2440/F. The application proposes to re-locate the building close to the boundary with Panniers Lane, adjacent to a storage building on the adjoining Cliff Morris Haulage Yard. The amended plan also proposes access off the Hereford Road, 2metre high timber fence to replace the leylandii trees that run along the northern boundary and 2metre high welded mesh fences to the western and southern boundaries. Given that planning permission has already been granted for a family centre building in this locality, there is no objection to the principle of relocation of this building.
- 6.2 Since the last meeting of the Sub-Committee the leylandii hedge along the northern boundary of the site and which provided effective screening for the neighbour has been felled. While, it is disappointing for this to have happened, it should be borne in mind permission was not required to fell the hedge as it was not an important hedge as defined in the Hedgerow Regulations 1997. The submitted plan shows a 2metre high timber fence will be erected along this boundary. It is considered the replacement fence is of a height that will protect the residential amenity of the neighbour.
- 6.3 The fences that are proposed to be erected along the northern, western and southern boundaries are of a height so as not to require planning permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 - A01 (Time limit for commencement (full permission))

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

2 - A09 (Amended plans) (1 March 2005)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 - A12 (Implementation of one permission only)

Reason: To prevent over development of the site.

4 - D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

5 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

6 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

7 - H03 (Visibility splays) (2.4m x 215m)

Reason: In the interests of highway safety.

8 - H05 (Access gates) (5m)

Reason: In the interests of highway safety.

9 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

10 – H15 (Turning and parking: change of use - commercial)

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety

11 – H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycles accommodation within the application site, encouraged alternative modes of transport in accordance with both local and national planning policy.

Informative:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.