

(a) 3/14/0694/FP and (b) 3/14/0695/LB – Change of use of Hamels Mansion, currently used as offices for the applicant's business, to 10 no. residential apartments and storage to the basement. New landscaping to reduce car parking, provision of amenity space to ground floor apartments and extension of existing bin store at Hamels Mansion, Hamels Park, Buntingford, SG9 9NA for Hubert C Leach Ltd

Date of Receipt: (a) 28.04.2014
(b) 28.04.2014

Type: (a) Full – Major
(b) Listed Building Consent

Parish: BRAUGHING

Ward: BRAUGHING

RECOMMENDATION:

(a) That subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

- £4,798 towards First Education – index linked;
- £3,132 towards Middle Education – index linked;
- £2,430 towards Upper Education – index linked;
- £1,624 towards Nursery Education – index linked;
- £472 towards Childcare – index linked;
- £110 towards Youth facilities – index linked;
- £1,186 towards Library services – index linked;
- Monitoring fee of £320 per clause.

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:-

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Approved Plans (2E10) - 001 Rev 03, 010 Rev 01, 011 Rev 05, 012 Rev 04, 013 Rev 05, 014 Rev 01, 030 Rev 00, 032 Rev 00, 033 Rev 00, 040 Rev 00, 041 Rev 00, 042 Rev 00, 043 Rev 00, 044 Rev 00, 045

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4. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation strategies set out in the Bat Survey Sept 2013 (ADAS) and the Extended Phase 1 Habitat Survey and Protected Species Assessment Aug 2013 (ADAS), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the habitats of protected species, in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

5. Landscape design proposals (4P12) - Retain b, c, d, e, f, l, j, k, l
6. Landscape works implementation (4P13)
7. Construction hours of working – plant and machinery (6N07)

Directives:

1. Planning Obligation (08PO)
2. Street Naming and Numbering (19SN)
3. Groundwater Protection Zone (28GP) Insert – Standon
4. Unsuspected Contamination (33UC)
5. Protected Species (36PS)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and Class J of the General Permitted Development Order as amended is that permission should be granted.

(b) That listed building consent be **GRANTED** subject to the following conditions:

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1. Listed Building three year time limit (1T14)
2. Prior to any building works being first commenced, samples of the railings to the roof terraces shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the historic and architectural character of the building is properly maintained, in accordance with national planning policy guidance set out in section 12 of the National Planning Policy Framework.

3. Listed Building (new window) (8L03) - Insert 'frame moulding *and the type of wood, thickness of glazing and finish* (if applicable)'
4. Listed Building (new doors) (8L04) - Insert 'or specification, *including the type of wood and finish*, shall be'
5. Prior to any building works being first commenced, detailed drawings and specifications of any doors to be infilled, including details of the retention of existing doors and architrave, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the historic and architectural character of the building is properly maintained, in accordance with national planning policy guidance set out in section 12 of the National Planning Policy Framework.

6. Listed Building (making good) (8L10)
7. Repairs Schedule (8L11) - Insert 'schedule of repairs *including a structural survey in relation to the removal of the post in Unit 2 and details of the replacement beam, details of repairs and replacement of cornicing, paneling, ceilings, dado rails and skirting and repairs to the gates and pillar to the south west of the mansion building*, shall be'

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that listed

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building consent should be granted.

_____ (069414FP.EA)

1.0 Background:

- 1.1 The application site is located to the west of the A10 and Braughing, and to the south of Buntingford, as shown on the attached OS extracts. The site is accessed from Hamels Lane to the north. To the north of the Mansion building are residential properties, and the site is also bounded to the east, south and west by East Herts Golf Club.
- 1.2 Hamels Mansion is a Grade II listed building which is currently used as offices. The building still incorporates some historic fabric that can be dated back as far as the 17th century. The building was originally occupied as a single residential dwelling and then used as a private school for girls between 1930 and 1968. The property was purchased by the current owners (Hubert C Leach Ltd) in the late 1970s and since then has been used as their head office.
- 1.3 These applications seek planning permission and listed building consent for the change of use of the mansion, from offices to 10 no. residential apartments, storage to the basement and associated internal and external alterations. The conversion would create 2 1-bed apartments and 8 2-bed apartments. The applications also propose alterations to the existing car parking layout to include new landscaping; provision of amenity space to ground floor apartments and the extension of an existing bin store.

2.0 Site History:

- 2.1 The site has an extensive planning history, but there are no recent applications which are relevant to the consideration of these current applications.

3.0 Consultation Responses:

- 3.1 Natural England has commented that based on the information provided, they advise the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. In respect of the impact of the development on protected species they state that the Council should apply their Standing Advice. They go on to state that the proposal site is on or adjacent to a local site i.e. wildlife site, and the Council should ensure it has sufficient information to fully understand the impact of the proposal on the local site. They finally state that

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biodiversity and landscape enhancements should be considered.

- 3.2 Planning Obligations, Hertfordshire County Council has commented that the following planning obligations would be sought to minimise the impact of the development on Hertfordshire County Council services for the local community:

First Education	£4,798
Middle Education	£3,132
Upper Education	£2,430
Nursery Education	£1,624
Childcare	£472
Youth Facilities	£110
Library Facilities	£1,186

They go on to comment that the planning obligations sought from this proposal are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development.

- 3.3 County Highways has commented that they do not wish to restrict the grant of permission. They state that fundamentally the access road from Hamels Lane is a highway not maintainable at public expense and therefore the highway authority has no jurisdiction. The junction with the public highway is satisfactory and traffic generation is likely to decrease and within the site sufficient car parking for the new apartments is proposed. They comment that the overall number of parking spaces has been reduced and in these circumstances the highway authority has no grounds to raise an objection to the proposal.
- 3.4 Affinity Water has commented that the site is located within the groundwater Source Protection Zone of Standon Pumping Station, and that construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.
- 3.5 Historic Environment Adviser, Hertfordshire County Council has commented that the nature of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of historic and archaeological interest and they recommend that an appropriately worded condition is attached to any grant of permission to require the archaeological building recording of the mansion prior to the commencement of any development; further archaeological monitoring and building recoding of interventions to the historic fabric of the

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mansion made during the process of its conversion; the archaeological monitoring of the groundworks associated with the development; a contingency for the archaeological investigation and recording of any remains encountered; the analysis of the results of the archaeological works and such other provisions as may be necessary.

- 3.6 The Council's Landscape Officer recommends consent be granted and comments that the proposal is non-contentious in landscape terms.
- 3.7 The Council's Environmental Health team has commented that they advise that any permission which the Planning Authority may give shall include conditions relating to construction hours of working and soil decontamination.
- 3.8 English Heritage has commented that while the proposed works of demolition would appear not to affect the special interest of the building, sub-division into apartments, even if sympathetically contrived, would comprise its historic character as a single house. They comment that the National Planning Policy Framework (NPPF) states that in considering proposals affecting heritage assets, planning authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. They state that the supporting Planning Practice Guidance provides guidance in respect of this and notes that 'if there is only one viable use, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes'.
- 3.9 They go on to state that while in principle the return of Hamels to domestic use may seem sympathetic to the character of the buildings, the Council should consider whether its conversion into ten apartments represents the most appropriate means of achieving this, or whether its conversion into a smaller number of apartments would be both viable and more sympathetic to the character and significance of the house. English Heritage comment that it is their experience that the conversion of country houses into a small number of units tends to be more appropriate to their immediate and long term conservation than more intensive schemes. They therefore recommend that in assessing these proposals, the Council considers whether the approach to the conversion of the house would achieve the optimum viable use of the building as recommended in the Planning Practice Guidance supporting the NPPF.
- 3.10 The Council's Conservation Officer has recommended that consent be

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granted. They state that in summary the significance of Hamels Mansion is illustrated through the evolution of its historic core (originally a C17th structure), which through its varied uses (country house, school, offices) has resulted in the integrity of the interior being partly undermined historically. The communal value of the Mansion is interpreted through its strong relationship with Hamel Parks built and social history. Turning next to the proposed alterations, they made the following comments:

3.11 Interior

Basement

The sum of works primarily consists of the introduction of new partitions and doors to form a plant room and stores for the new apartments, including replacement of oil boilers, the flues of which are to be routed through existing chimneys. These works are considered to have limited impact on the overall integrity of the basement and as such the significance of the listed building.

Ground Floor

In general the removal of partitions within the C19th extensions to the building would have little impact on the overall integrity of the buildings significance, as would the removal of WC units and infill of existing doors.

The 'boxing' in of the fireplace servicing the room located to the south-east corner originally the small parlour (1830) now an office space, although a reversible approach, is unfortunate as the fireplace provides evidence, in relation to the rooms historic function and status in the context of the house. In this respect it is recommended that the fireplace continues to be an exposed architectural feature as part of the scheme, unless evidence demonstrates this would not be feasible.

Whilst it is acknowledged that the column within the C17th core (unit 2) is a later addition, if necessary, the replacement beam to provide support to the roof should be sympathetic to the character of the listed building.

The relocation of one of the chandeliers from the C17th parlour to the central hall ceiling within the core of the stairwell, is considered acceptable. Furthermore, replacement of the glazed screen within the lobby area to a solid partition is considered to have little impact on the significance of the listed building.

All other works are considered to have little or no harm to the significance of the listed building.

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First Floor

The sum of works in this area primarily consists of the introduction new partitions and doors, infill of doors and the removal of WC units, to accommodate the new apartments. These works are considered to have limited impact on the overall integrity of the building and as such the significance of the listed building. The reconfiguration of the window within the corridor formed by the C19th extension, would result in limited harm when balanced against the significance of the building as a whole.

The increase of the window opening within the C17th core to provide access to a dressing room, although an irreversible approach, is considered to be acceptable when balanced against the long term viable use of the building. Details of this work should however be submitted through a repairs condition to include methodology associated with the works to the fabric, new and replacement windows.

Furthermore, the introduction of an extension of the scale and design proposed to an existing flat roof above a later C19th flat roof, located on the north elevation as an infill between a C17th projection and C19th later extension, would have little or no impact on the visual merit of the building.

Third Floor

In general the removal of partitions including the removal of WC units and infill of existing doors within the C19th extensions to the building would have little impact on the overall integrity of the buildings significance.

The removal of the fireplace servicing the C18th attic room located to the south of the core, now a storage space is unfortunate, as the reduction in width of the kitchen area or its reconfiguration, would allow for the retention of the C18th fireplace which provides evidence in relation to the rooms historic function and status in context of the house. It is recommended the fireplace continues to be exposed as an architectural feature as part of the scheme, unless evidence demonstrates this would not be feasible. In addition the removal of the fireplace located to the east of the core, now a storage place needs further consideration.

Furthermore, the reconfiguration of the increase in height of an existing window to provide access to an external terrace for Unit 10 is considered to be acceptable.

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3.12 External

North Elevation

The removal of the windows (existing window openings and surround details to be retained expressed internally) to accommodate a first floor extension, is considered a reversible approach and as such is acceptable, subject to the windows being recorded prior to removal. In addition the removal of brickwork below the window sill to provide access to a dressing room (unit 6), although unfortunate, is considered acceptable on balance subject to recording prior to commencement of works and making good on a like for like basis.

The introduction of vent pipes sited behind parapets and slateline vents to the roofscape would have little or no harm on the aesthetic value of the heritage asset.

Furthermore, in assessing the harm the removal of items would have on the significance of the listed building, this is considered to be limited subject to the making good or potential repair being in keeping with the associated historic fabric.

East Elevation

The removal of brickwork below the window sill to provide access to a dressing room (unit 3) although unfortunate, on balance, is considered acceptable subject to recording prior to commencement of works and making good on a like for like basis.

In addition, in assessing the harm that the removal of items would have on the significance of the listed building, this is again considered to be limited subject to the making good or potential repair being in keeping with the associated historic fabric.

South and West Elevations

The introduction of vent pipes sited behind parapets and slateline vents to the roofscape would have little or no harm on the aesthetic value of the heritage asset.

In addition, in assessing that the harm the removal of items would have on the significance of the listed building, this is again considered to be limited subject to the making good or potential repair being in keeping with the associated historic fabric.

Railings

Whilst the principle of introducing railings to the flat roof terraces is

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considered acceptable, it is recommended that their colour is reconsidered in a grey as this would be less visually intrusive than black.

3.13 General Approach

Doors – It is recommended that the architrave and doors are retained in situ and fixed shut to provide an infill, as this will allow the continued interpretation of the building.

Suspended Ceilings – Where suspended ceilings are proposed these should respect existing cornices and ceilings, and these elements should be retained in situ and not cut to accommodate the new works.

Cornices – the replacement or repair of cornices or architectural features such as ceilings, dado rails, skirting or panelling should be undertaken on a like for like basis, details of which should be provided through a repairs schedule.

In general, all making good must be on a like for like basis, and the infill of doorways should retain existing door furniture if possible to allow the continue interpretation of the building.

- 3.14 In summary, the Conservation Officer states that the works associated with the change of use from office to create ten apartments would inevitably have an impact on the significance of Hamels Mansion as a Grade II heritage asset. However, identified harm is limited when balanced against the overall significance of Hamels Mansion which has been interpreted through its illustrative, historic, architectural and communal value.
- 3.15 Turning then to the setting of the building, the Officer states that in relation to the reconfiguration of the immediate setting of Hamels Mansion, the relocation of car parking spaces from the west elevation (entrance) of Hamels Mansion, allows for the introduction of two green areas flanking the primary entrance, green space that continues around the base of the building. This approach is considered to be characteristic of the wider landscape. In addition the resurfacing of the existing car park as proposed would enhance the immediate setting of the listed building. The Officer does state that, whilst it has not been proposed, consideration should be given to the repair and restoration of the historic gates and stone pillars located within the immediate setting of the car park to the south-west of the principal building.
- 3.16 Herts Ecology has commented that the submitted Surveys outlined that the site had been surveyed for the presence, or evidence of protected

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species and the following were discounted from being on the application site: Badger, Water vole, Otter, White-clawed crayfish, Hazel dormouse. No further surveys were therefore thought necessary in relation to these species. The building assessment found potential features for supporting roosting bats and evidence of at least three species of bat was identified, and further details and recommendations were set out in the submitted Bat Inspection report (ADAS 2013). Section B of the site (which is an area of amenity grassland, tress, scrub and hedgerows to the north of the mansion building where it was proposed to site some garages although this does not form part of the current application) offered potential habitats for Birds (trees and hedgerows), Bats (trees), Reptiles (mosaic habitats) and Great Crested Newt (terrestrial habitat).

- 3.17 In respect of birds, Herts Ecology has commented that any vegetation clearance should be completed outside of the bird nesting season (which is considered to be March to August inclusive), and if this is not possible any vegetation to be cleared should first be checked for in-use nests. If any in-use nests are found then these should be protected from works until they are no longer in-use.
- 3.18 In respect of bats, they comment that the trees on the application site offer potential for bats and depending on the works, a tree climbing inspection for bats should be undertaken where possible and where this is unsafe a bat emergence survey (depending on site boundary and/or the retention of trees) should be undertaken between May and September (inclusive).
- 3.19 They commented that further reptile surveys were not thought necessary but recommendations to avoid impact on suitable habitats were suggested: namely phased vegetation clearance, log/brush/vegetation piles moved outside work zone, cut and remove vegetation between March - October (avoid hibernation period), scrub clearance between April-September, debris and large stones, etc., cleared from site to remove potential shelter opportunities. Three ponds adjacent to the application site were assessed as being average/good/excellent for breeding GCN, and as a result, six GCN survey visits were recommended by the applicant's consultant to be undertaken to determine the presence/absence and population size.
- 3.20 Turning again to bats and the impact of the proposed works to the mansion building, they have commented that an initial Inspection Survey was carried out on 14 June 2013. This was followed by Active Surveys between July and September 2013. Bat droppings of 2-3 species were found in various locations throughout the accessible

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areas of the roof space and potential access points were identified. Bats were recorded emerging and re-entering parts of the building. The assessment was that the site supports 2 occasional day roosts of one species and 1 occasional day roost supporting 2 species. Two other species of bat were recorded flying but not emerging/re-entering the building so roosts for these species could not be confirmed. They have commented that although the building is not scheduled for demolition, the proposals include renovation and disturbance to the roof, a European Protected Species License (EPS) will be required allowing the works to proceed. The proposed redevelopment design and associated roof works means that the current bat roosts can be retained and enhanced within the existing roof void.

- 3.21 Bird evidence was found in one of the roof voids. Herts Ecology therefore comment that works to the building should be undertaken between October and the end of February to avoid the nesting season. If works cannot be avoided at this time, any nesting birds found once works are underway should be left until the young have fledged.
- 3.22 Herts Ecology therefore have concluded that there is little semi-natural habitat affected by the proposal. The Bat Survey confirmed the building as a bat roost, and to mitigate for the loss of a bat roost and to maintain the bat population at a favourable conservation status in the local area, recommendations are made in the report to safeguard bats with compensation roosting sites. Therefore they recommend that the mitigation strategy (Section 8) in the Bat Report should be followed (and included as a condition of approval), and on the basis of the submitted bat report, they consider that the LPA is able to determine the application having taken bats properly into account under the Habitats Regulations.
- 3.23 They also conclude that the development proposals will result in the Mansion and its immediate surrounds being turned into a building site which they recognise would impact upon reptiles and amphibians if present. However, they state that this area is already highly likely to be intensively managed as a garden/formal environment as part of the Mansion grounds, and would not represent a semi-natural habitat with a high likelihood of these species being present. If potential hibernation features exist, they believe they can be dealt with by careful removal outside the hibernation period, whilst any other vegetation management of the area likely to be affected could ensure that this area was made unsuitable for reptiles or amphibians for shelter, foraging or hibernation. This would entail regular, short grass cutting and removal of possible shelter features (this should be a Condition of Approval), and they consider this would significantly reduce the risk to these species to an

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acceptable level and avoid the need to undertake potential surveys of ponds adjacent to the application site. As a further precaution, they also advise a condition of approval that a GCN exclusion fence could be placed around the external edge of the potential building site area to further avoid the potential of individuals wandering into the site, given that they have records of GCN within Hamels Park. If this approach is followed, they do not believe it is necessary for additional GCN or pond surveys to be carried out, as suggested by ADAS (page 16). They consider however that the presence of GCN within the area to be affected by the proposal to be low given the poor habitat potential, and management has been suggested to further reduce the areas suitability around the Mansion. Consequently, GCN should not be an issue with this proposal and the Habitat Regulation tests do not need to be applied.

3.24 In addition, they comment that lighting and planting should be conditioned, or similar, with any approval granted.

4.0 Parish Council Representations:

4.1 Braughing Parish Council have commented that they support the application. They believe the application would provide a sympathetic conversion, compatible with the original historic dwellinghouse, and would also provide much needed high quality one and two bedroom dwellings for those starting out on the housing ladder and those wishing to downsize. The Parish Council also comment that they would require the historic features of the house, including the staircase, fireplace and panelling, be retained as expected within a Grade II listed building.

5.0 Other Representations:

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 2 letters of representation have been received which can be summarised as follows:

- The East Herts Golf Club have no objection to the application but do have concerns with the proposed landscaping around the south and east facing elevations of the building (which would provide sitting out areas for residents) and that stray balls from the golf club may cause injury to someone sitting out in those areas;
- Broadly in favour of the proposals and appreciate the inclusion of the additional parking spaces for existing residents.

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6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC9	Adaptation and Re-use of Rural Buildings
GBC14	Landscape Character
TR7	Car Parking – Standards
TR8	Car Parking – Accessibility Contributions
TR14	Cycling – Facilities Provision (Residential)
EDE2	Loss of Employment Sites
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
ENV14	Local Sites
ENV16	Protected Species
BH1	Archaeology and New Development
IMP1	Parking Conditions and Obligations

6.2 The National Planning Policy Framework (NPPF) and Planning Policy Guidance (NPPG) are also a material consideration.

7.0 Considerations:

7.1 The determining issues in the consideration of these applications are as follows:

- Principle of development;
- Impact on character and appearance of surrounding area;
- Impact on listed building and setting;
- Impact on amenities of neighbouring properties;
- Highways implications and parking;
- Ecology;
- Planning obligations;
- Other matters.

Principle of development

7.2 Hamels Mansion is located within the Rural Area Beyond the Green Belt as designated within the Local Plan. Policy GBC3 of the Local Plan sets out the types of development which are appropriate within the Rural Area, and the adaptation and re-use of rural buildings in

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accordance with policies GBC9 and GBC10 is listed in policy GBC3 as being appropriate development.

- 7.3 Policy GBC9 of the Local Plan sets out a number of criteria which must be met for the re-use of a rural building to be acceptable. The residential re-use of a building will only be permitted if the retention of the building is unable to be facilitated by conversion to a business use or part of a scheme for business re-use, leisure, tourism, community or other purposes compatible with the rural area. Furthermore, policy EDE2 of the Local Plan requires that development which would cause the loss of an existing employment site, or one that was last in employment use, will only be permitted subject to the criteria specified in the policy being met, which includes the requirement for evidence to be provided that the retention of the premises for employment use has been fully explored without success. Limited evidence has been submitted with the application in respect of policies GBC9 and EDE2. However, the applicant does state in their submission that the existing offices are unsustainable for their current business needs. They comment that the arrangement of existing rooms across 3 floors is inflexible and inefficient, and the buildings rural location with no form of access by public transport does not support sustainable transport use for staff working on the site. The submitted application form indicates that there are currently 17 employees employed on the site.
- 7.4 Whilst limited justification has been provided with the application in respect of policies GBC9 and EDE2, the changes to permitted development which came into force on 30 May 2013 are a material consideration in the determination of the application. One element of the changes introduced in May 2013 relates to the change of use from B1(a) office to C3 residential (Class J). Such a change of use would be permitted development provided an application for prior approval is submitted to allow the transport and highways impact of the development and contamination and flooding risks on the site to be considered. However, Class J does not apply to listed buildings, and as set out above Hamels Mansion is a Grade II listed building, and this is why an application for planning permission is required in this case. However, it is the view of Officers that the changes to permitted development and the Governments desire to ensure that the best use is made of empty and underused buildings are a material consideration in the determination of any application, and in light of these changes and in the absence of any further guidance from the Government in respect of the changes to permitted development, the requirements of policies GBC9 and EDE2 must be balanced against the changes to permitted development.

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7.5 Therefore taking into account the above, and that the building is listed (which will impact on the suitability of the premises for other commercial users and the ability to which changes can be made to the building to accommodate the needs of other users); the unsustainable location of the site for a commercial user; the need to secure a long term viable use for this listed building and its location within existing residential development, Officers consider that in this case there is sufficient justification to outweigh the requirements of policies GBC9 and EDE2 and there should be no objection in principle to the conversion of the mansion building to residential.

Impact on character and appearance of surrounding area

7.6 The alterations proposed to the external appearance of the existing building are limited. A small first floor infill extension is proposed to the northern elevation of the building. However, having regard to the location of this extension (which is sited within an existing recessed area) and its limited scale and appropriate design, Officers do not consider that this element of the proposal would result in a harmful impact on the character and appearance of the surrounding area. Some limited alterations are also proposed to the existing parking area to the west of the building and the existing gravelled areas to the east, south and west of the building (these gravelled areas are proposed to be replaced with lawns). These alterations are also considered to have a limited impact on the character and appearance of the surrounding area.

7.7 The conversion to residential use will result in some change in the character of the use of the building, and could result in more activity and domestic related paraphernalia seen around the building i.e. tables and chairs on the grass areas surrounding the building. Whilst this may be a change to the current use and character of the building, having regard to the setting of the building adjacent to other residential properties and that the building was originally residential, Officers do not consider that the proposal would result in any significant harm to the character and appearance of the surrounding rural area.

Impact on listed building and setting

7.8 Section 12 of the NPPF states that, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It goes on to state that when considering the impact of a proposed development on the significance of a designated heritage

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asset, great weight should be given to the asset's conservation, and substantial harm to grade II listed buildings should be exceptional. The Conservation Officer when commenting on the application stated that the significance of Hamels Mansion is illustrated through the evolution of its historic core (originally a C17th structure), which through its varied uses (country house, school, offices) has resulted in the integrity of the interior being partly undermined historically. The communal value of the Mansion is interpreted through its strong relationship with Hamel Parks built and social history.

- 7.9 The Conservation Officer has considered in detail all elements of the proposed works to facilitate this conversion. Concerns were raised by the Officer with the boxing in of some fireplaces. However, amended plans have now been submitted to address these concerns and the Conservation Officer has commented that these amendments overcome their previous concerns. Having regard to the cumulative impact of all of the proposed works and the conversion to residential use, the Conservation Officer does consider that they would inevitably have an impact on the significance of Hamels Mansion as a Grade II heritage asset. However, they go on to state that the identified harm is limited when balanced against the overall significance of Hamels Mansion which has been interpreted through its illustrative, historic, architectural and communal value. Having regard therefore to the works proposed to facilitate the conversion and the comments of the Council's Conservation Officer, Officers do not consider that the harm to this heritage asset would be substantial, and they consider that the proposal would sustain the significance of the heritage asset and put it to a viable use consistent with its conservation. The proposal is therefore considered to comply with section 12 of the NPPF.
- 7.10 In reaching this conclusion, the comments of English Heritage have also been considered. It is noted that they have raised concerns that, whilst the proposed works of demolition would appear not to affect the special interest of the building, the sub-division into apartments, even if sympathetically contrived, would comprise its historic character as a single house. In their comments they made reference to section 12 of the NPPF which is set out above, and to the supporting Planning Practice Guidance which states that 'if there is only one viable use, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes'. English Heritage stated that, whilst in principle the return of Hamels to domestic use may seem sympathetic to the character of the buildings, the Council should consider whether its conversion into ten apartments represents the most appropriate means of achieving this, or whether its

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conversion into a smaller number of apartments would be both viable and more sympathetic to the character and significance of the house.

- 7.11 Whilst the concerns raised have been noted, Officers are not aware whether the Inspector from English Heritage has had the opportunity to inspect the internal layout of the building. Both the case officer for the application and the Conservation Officer made a detailed site visit to consider the proposals and assess the impact of the proposed alterations. Following this visit and having considered the plans and supporting documents submitted as part of the application, and also having considered the history of the building, the Council's Conservation Officer has not raised any objection to the conversion of the building to ten apartments. Whilst Officers understand the concerns of English Heritage, in this case it is not considered that the proposed conversion to ten apartments would result in significant harm to the character and significance of the building.
- 7.12 Turning now to the setting of the building, the Conservation Officer considers that in relation to the reconfiguration of the immediate setting of Hamels Mansion i.e. the relocation of car parking spaces from the west elevation (entrance) of Hamels Mansion to allow for the introduction of two green areas flanking the primary entrance and the green space that continues around the base of the building, that this approach is considered to be characteristic of the wider landscape. In addition they comment that the resurfacing of the existing car park as proposed would enhance the immediate setting of the listed building. Taking into account therefore the limited impact of the proposed alterations to the external areas surrounding the building, Officers are satisfied that the proposal would not result in any significant harm to the setting of this listed building.

Impact on amenities of neighbouring properties

- 7.13 The mansion building is physically attached to the former service wing and stable block which were previously converted and now form residential properties. Whilst the majority of the proposed conversion of the mansion building will not have any significant impact on the amenities of nearby resident, the proposed conversion will mean that those residents living in the converted service wing and stable block will be overlooked by some of the future residents of the building from existing windows in the north facing elevation. At ground floor level, the boundary between the existing residential units and the mansion is defined by a 1.8 metre high vertical closeboarded fence, and this will therefore restrict any significant degree of overlooking at ground floor level. At first and second floor level however, there will be five windows

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which would overlook these properties, which would be of varying distances from and angles to the existing properties. The windows in question are proposed to serve four bedrooms and 1 bathroom. Whilst there will therefore be some degree of harm to the amenities of the occupiers of these neighbouring properties from overlooking, it must be considered that they are currently overlooked by these windows from the existing office use of the building. Taking all of the above into account; that the rooms which the windows are proposed to serve are not principle habitable rooms such as sitting rooms and that no objections have been received from the occupiers of these properties, Officers do not consider that the degree of harm in this case is sufficient to warrant refusal of the application on these grounds.

- 7.14 The proposed change of use will also result in a change in the nature and timing of activity within the building, when compared to the current office use. However, having regard to the number of units proposed and that they are either one or two bedroomed apartments, Officers do not consider that the level of noise and disturbance from the future occupiers of the building will be such that would result in significant harm to the amenities of neighbouring properties.
- 7.15 A concern has been raised by East Herts Golf Club to the application. The Golf Club is located to the south of the application site, but the course does adjoin part of the southern, south western and eastern boundaries of the site. The Golf Club are concerned with the proposed landscaping (grassed areas) around the south and east facing elevations of the building (which would provide sitting out areas for residents) and that stray balls from the golf club may cause injury to someone sitting out in those areas. In their representation they comment that previously golf balls have been accidentally hit into the grounds of the mansion from the 6th and 7th holes. To address these issues, in 2006 they moved the 6th green in order to alleviate this risk, and they comment that since then very few incidents have occurred. However, they state in their representation that there is a slight risk of balls being hit into the grounds of the mansion and due to the proposed landscaped areas around the mansion building, they are concerned that a stray ball may cause injury to someone sitting out in this area. They suggest that if the landscape areas were shrubbery and flower beds, thus reducing the space for outdoor seating, this risk would be minimised.
- 7.16 Whilst Officers acknowledge the concerns of the golf club, in this case it is considered that the risk to the future occupiers of the mansion from injury from stray balls is not so significant to warrant refusal of the application. It is acknowledged that such an incident could occur,

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however the Council would be unable to stop residents from using these areas, and whilst additional landscaping would limit the amount of useable outdoor space available, the Council could only condition the retention of this landscaping for 5 years. After that time period, the Council would have no control over the retention of the landscaping. Therefore, taking into account the above considerations, whilst the concerns raised by the golf club are acknowledged, it is the view of Officers that the risk of stray golf balls entering the application site is not a reason to withhold permission for the change of use of the building to residential.

Highways implications and parking

- 7.17 County Highways have not raised any objection to the application and have commented that the traffic generation associated with the proposal is likely to be a decrease in comparison to the current use as offices. They also comment that the junction of the site with the public highway is satisfactory. Taking this into account, it is considered that the proposal would not result in any significant harm to highway safety or capacity.
- 7.18 The application proposes to reduce the number of parking spaces currently available within the site (spaces which abut the west facing elevation of the building are proposed to be removed and this space grassed to provide an improved setting to the building). A total of 30 parking spaces would be retained. The proposed development would generate, in accordance with the Council's adopted parking standards, a maximum requirement of 14.5 spaces. In discussions with the existing residents to the north of the mansion building, the applicant has identified a shortfall in parking provision elsewhere on the site, and therefore proposes to allocate 8 parking spaces to existing residents on the site. Therefore a total of 22 parking spaces would be retained for the future residents of the mansion building and their visitors. The number of spaces therefore exceeds the maximum requirement as set out in the Council's adopted standards. However, taking into account the isolated location of the site and that the car parking already exists on the site, Officers do not consider that an over provision would be unacceptable in this case.

Ecology

- 7.19 The application site is located within a defined wildlife site, and policy ENV14 of the Local Plan states that development which is likely to have an adverse effect on such a site will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which

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outweigh the need to safeguard the substantive nature conservation value of the site. Consideration should also be given to the impact of the development on protected species in accordance with the relevant legislation and policy ENV16 of the Local Plan. The application was supported by an Extended Phase 1 Habitat Survey and Protected Species Assessment and a Bat Survey. In respect of the submitted surveys, it should be noted that the surveys considered both the conversion of the mansion building to residential and the erection of a garage block in a wooded area in the northern eastern part of the site. This application does not propose a garage block, and therefore the impact of such a development on habitats and protected species is not relevant to the consideration of this application.

- 7.20 Herts Ecology has commented on the application and has not raised any objection. They comment that there is little semi natural habitat affected by the proposal. The area around the mansion building is already intensively managed as a garden/formal environment. It is unlikely therefore that there is a high likelihood of reptiles or amphibians being present. Herts Ecology therefore recommend that if potential hibernation features exist, they can be dealt with by careful removal outside the hibernation period, whilst other vegetation management of the area likely to be affected could ensure that this area was made unsuitable for reptiles or amphibians for shelter, foraging or hibernation. Having regard to the limited external works associated with this proposal, it is recommended that such requirements should be included as a directive on any permission to remind the applicant that if any protected species are found during works, works should stop and professional ecological advice sought.
- 7.21 In respect of Great Crested Newts (GCN) they comment that they consider the presence of newts within the area to be affected by the proposal to be low given the poor habitat potential. They state that GCN should not be an issue with this proposal and that it is not necessary for additional GCN or pond surveys to be undertaken and the Habitat Regulation tests do not need to be applied. They also comment that as a further precaution, a condition should be attached to any permission which requires GCN exclusion fencing to be placed around the external edge of the building site area to further avoid the potential of individuals wandering into the site. However, as already set out in this report, the area surrounding the mansion building is currently predominantly laid to gravel and does not therefore provide a particularly suitable habitat for GCN. Considering this, the limited external alterations and the distance from the ponds within the site and the intervening habitats, Officers do not consider that such a condition is necessary in this case.

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- 7.22 In respect of the impact of the development on bats, Herts Ecology has commented that the submitted Bat Survey confirmed the building as a bat roost. They comment that to mitigate for the loss of a bat roost and maintain the bat population at a favourable conservation status in the local area, the recommendations made in the submitted Bat Survey should be followed, and this should be a condition of approval. They state that the Local Planning Authority is able to determine the application having taken bats properly into account under the Habitats Regulations. The Local Planning Authority is also therefore required to apply the three derogation tests in accordance with the Habitat Regulations April 2010.
- 7.23 These tests are as follows: first, the proposal must be for imperative reasons of overriding public interest or for public health and safety. The proposal being considered by Members is for the development of listed a building which is an important heritage asset. The proposed development will see the long term viable use of the listed buildings and is considered to be of overriding public interest and the first test is therefore considered to be met.
- 7.24 Secondly, there must be no satisfactory alternative. From the information submitted with the application, it is evident that alternative non-residential uses of the building are unlikely to be found and as such there is not considered to be any suitable viable alternative to the development now proposed. Officers therefore consider that the second test is met.
- 7.25 Thirdly, the favourable conservation status of the species must be maintained. Provided the mitigation measures as set out in the submitted Bat Survey are carried out, Officers are of the opinion that the conservation status of the species would not be affected by this development.
- 7.26 Accordingly, the proposals have been considered in relation to the three derogation tests as is required in the Conservation of Habitat and Species Regulations 2010 and is found to meet those tests.

Planning obligations

- 7.27 In accordance with the Council's Planning Obligations SPD, the threshold for Section 106 contributions to be provided is 10 or more dwellings. Turning firstly to the District Council's contributions, Officers do not consider that any contributions are necessary in this case to mitigate the impact of the development in relation to the provision of infrastructure provided by the District Council (i.e. open space including

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outdoor sports provision). This is due to the sites isolated location away from other settlements and their facilities (Officers are unable to clearly identify which existing services/facilities would be impacted upon by the proposed development); the size of the residential units proposed (1 and 2 bedrooms) and the parkland setting in which the building is sited. Having regard to these matters, it is not considered in this case that such obligations would be necessary to make the development acceptable in planning terms.

- 7.28 Turning next to the contributions requested by Hertfordshire County Council, they have requested a range of contributions for education, childcare, youth and library facilities. In their comments, the County Council have justified the need for the requested contributions and demonstrated why they are necessary due to the additional impact the development would have on local services, and they are considered to be necessary and justified in accordance with the CIL Regulations 2010.

Other matters

- 7.29 The site is located in an Area of Archaeological Significance, and the proposed development has the potential to impact upon possible matters of archaeological interest. The Historic Environment Advisor at Herts County Council has commented that the nature of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of historic and archaeological interest. They therefore recommend that an appropriately worded condition is attached to any permission granted requiring the implementation of a programme of archaeological work to be undertaken including the archaeological building recording of the mansion before any development commences. Such a condition is considered to be reasonable and necessary in this case.
- 7.30 The application also proposes to increase the size of the existing bin store which is located to the north-west of the mansion building. This is currently an open area enclosed by 1.8 metres high close boarded fence. This application proposes to increase this enclosed area by approximately 10 square metres. Having regard to the limited increase in size and that the site of the bin store is well screened from the surrounding development and landscape, Officers do not consider that this element of the proposal would result in any significant harm to the character and appearance of the site and the surrounding area.

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8.0 Conclusion:

- 8.1 Having regard to the above, it is considered that the proposed change of use of Hamels Mansion from offices to 10 residential apartments would not result in any significant harm to the character and appearance of the rural area, to the significance of this heritage asset and its setting; to the amenities of neighbouring properties; to highway safety or capacity or any other relevant planning matters. It is therefore recommended that planning permission and listed building consent is granted subject to the signing of a Section 106 agreement and the conditions set out at the head of this report.