

**3/09/0245/FP – Demolition of existing outbuildings and erection of new 40 bedroom wing, together with change of use of 5 no. associated cottages from Class C2 (residential institutions) to C3 (dwellinghouses) at Libury Hall, Great Munden, SG11 1JD for Libury Hall Residential Home.**

**Date of Receipt:** 27.02.08

**Type:** Full

**Parish:** GREAT MUNDEN

**Ward:** MUNDENS & COTTERED

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to the following conditions:-

1. Three year time limit (1T12)
2. Programme of archaeological work (2E02)
3. Materials of construction (2E11)
4. Withdrawal of P.D. (Part 1 Class A) (2E20)
5. Withdrawal of P.D. (Part 1 Class E) (2E22)
6. Wheel washing facilities (3V25)
7. Prior to the commencement of development, details of the routing and access of construction vehicles shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To minimise the impact of construction vehicles on the local road network in accordance with policy TR20 of the East Herts Local Plan Second Review April 2007.

8. Tree retention and protection (4P05)
9. Landscape design proposals (4P12 b,c,d,e,i,j,k,l)
10. Landscape works implementation (4P13)
11. Construction hours of working - plant & machinery (6N07)
12. No further bedrooms, other than those shown on drawing 7955-105-B, shall be provided within the main building of Libury Hall without the prior written approval of the Local Planning Authority.

### 3/09/0245/FP

Reason: Given the special circumstances in this case and the financial justification for the development, and to control resident numbers in the Rural Area in accordance with policy GBC3 of the East Herts Local Plan Second Review April 2007.

#### Directives:

1. Other legislation (01OL)
2. Street Numbering (19SN)

#### Summary of Reasons for Decision:

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD2, GBC3, GBC9, TR2, TR7, TR20, ENV1, ENV2, ENV4, ENV10, ENV11, BH1, BH2 and BH3. The balance of the considerations having regard to those policies and other material considerations relevant in this case is that permission should be granted.

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#### **1.0 Background**

- 1.1 The application site is shown on the attached OS extract and comprises an established residential care home in a remote rural location, southwest of Great Munden and northeast of Haultwick.
- 1.2 Libury Hall provides residential care for those with learning disabilities or mental health problems who are in need of practical, emotional or social support. It is an independent charity run by a board of trustees. The site currently comprises a main two storey building, a day centre, various outbuildings, and 5 no. cottages to the west that provide more independent accommodation.
- 1.3 There are two vehicular accesses to the site; the access from Munden Road provides the main entrance to the Hall, whilst an alternative access from Giffords Lane, near Haultwick, is more convenient for the cottages. Both accesses are shared with Great Munden Farm which is located in between the main Hall and the cottages.

### **3/09/0245/FP**

- 1.4 This application proposes to construct a new two storey wing comprising 40 en-suite rooms with a single storey reception link to the existing building. A number of outbuildings are to be demolished, including several old sheds, garages, and an oil tank. The application also proposes to change the use of 5 no. existing cottages from C2 (Residential Institution) to C3 (Dwellings). These cottages are currently used in connection with the residential care of Libury Hall, but it is proposed to sell them on the open market in order to fund this project.
- 1.5 If permission is granted for this extension, the main building will be renovated and the first floor converted to provide additional lounge areas and recreational space for residents.
- 1.6 Members may recall that a similar application (3/08/1670/FP) for a 40 bed wing and change of use of the cottages was recommended for refusal to Committee on 17<sup>th</sup> December 2008 for the following reasons:
  - 1.6.1 The application site lies within the Rural Area, as defined in the East Hertfordshire Local Plan where development will only be allowed for certain specific purposes. No details have been submitted of proposed changes to the existing building or therefore the overall increase in residential capacity at the site and as such there is insufficient justification for the scale of the proposed new building. Its erection would be contrary to the aims and objectives of policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007.
  - 1.6.2 The application lacks sufficient information on the exact increase in residential capacity to enable the local planning authority to properly assess the potential impacts of the development on the local rural road network contrary to policy TR20 of the East Herts Local Plan Second Review April 2007.
- 1.7 This application was withdrawn prior to the Committee.

## **2.0 Site History**

- 2.1 The site has been established as a residential care home since the end of World War II. It originated in the early 1900s as a working farm colony providing refuge for unemployed male Germans, and during WWI was declared a privileged internment camp. Following the end of the war, the Hall provided various types of care, until it was purchased by the current trustees in 1988.

### **3/09/0245/FP**

2.2 Other than the previously withdrawn application, there is little recent planning history for Libury Hall. A new day care centre, the Schorr Centre, was approved in 1997 (our ref: 3/97/1147/FP), and a new entrance lobby and smoking room were approved in 2007 (our ref: 3/07/2091/FP), and are now complete.

### **3.0 Consultation Responses**

3.1 County Highways do not wish to restrict the grant of permission subject to conditions on wheel washing and details of the routing of construction vehicles. They advise that consideration of this application is again finely balanced; on the one hand there is concern the proposal would increase vehicle usage of the access onto Munden Road where visibility is severely limited. On the other hand, they are mindful of the existing use, and that only an additional 7 residents would be accommodated with no increase in staffing levels.

3.2 There is an alternative access for the cottages onto Giffords Road which has adequate visibility and is of sufficient width to allow two way traffic movements. An investigation into the accident records reveals that there have been no reported incidents in the vicinity of either access over the past five years. Highways therefore do not consider there are sufficient grounds to raise and sustain an objection on highway safety grounds.

3.3 The County Archaeology Officer advises that the proposal is likely to have an impact on significant archaeological remains. A condition is therefore recommended for a programme of archaeological work to be undertaken.

3.4 The site is located partly within Area of Archaeological Significance No. 83 which includes fishponds and a probable moat which may be associated with the medieval manor of Libury. This large estate was documented in the Domesday Book as 'Stutereshela', but was known as Libury before the 14<sup>th</sup> Century. The site is also of interest as that of the industrial and farm colony for unemployed German-speaking men founded by the German philanthropist Baron Schroder in 1905. The 1<sup>st</sup> edition Ordnance Survey map of 1878 shows that the existing buildings of Libury Hall are on the site of 'Libery Farm', and that the proposed new wing is located over the northern-most range of farm buildings.

3.5 The County Development Unit advises that should the District Council be minded to permit this application, a number of detailed waste matters should be given careful consideration. This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. These requirements can be met through the imposition of planning conditions.

### **3/09/0245/FP**

- 3.6 No response has been received from the County Planning Obligations Unit; however on the earlier application they had advised that they do not wish to propose seeking any financial contributions.
- 3.7 The Council's Housing Development Manager does not wish to seek affordable housing units or a commuted sum on this site as it is too far away from local amenities.
- 3.8 No response has been received from the Council's Landscape Officer; however he had previously advised on the earlier application that consent was recommended subject to conditions. None of the trees proposed for removal are of any arboricultural significance or of public amenity value. Hard and soft landscaping details will be required.
- 3.9 Environmental Health raise no objection subject to conditions on construction hours of working, asbestos, and a directive on contaminated land.

#### **4.0 Parish Council Representations**

- 4.1 Great Munden Parish Council object to the application on the following grounds:
- Too large a new build in an isolated rural area;
  - Overdevelopment of the site;
  - Concern about the large increase of the building for a relatively small increase in patients;
  - Too much traffic onto a dangerous access with Great Munden Road which is subject to serious flooding;
  - The site is of great archaeological and historical significance;
  - Supporting statements are insufficient to justify a development of this nature contrary to Policy GBC3.

#### **5.0 Other Representations**

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 At the time of writing, no third party representations have been received.

#### **6.0 Policy**

- 6.1 The main policy considerations relevant to this application are East Herts Local Plan Second Review April 2007 policies:-
- SD2 Settlement Hierarchy
  - GBC3 Appropriate Development in the Rural Area Beyond the Green Belt

### 3/09/0245/FP

- GBC9 Adaptation and Re-Use of Rural Buildings
- TR2 Access to New Developments
- TR7 Car Parking – Standards
- TR20 Development Generating Traffic on Rural Roads
- ENV1 Design and Environmental Quality
- ENV2 Landscaping
- ENV4 Access for Disabled People
- ENV10 Planting New Trees
- ENV11 Protection of Existing Hedgerows and Trees
- BH1 Archaeology and New Development
- BH2 Archaeological Evaluations and Assessments
- BH3 Archaeological Conditions and Agreements

6.2 Government Guidance is also provided in the following documents:-

- PPS1 Sustainable Development
- PPS7 Sustainable Development in Rural Areas
- PPG15 Planning and the Historic Environment

## **7.0 Considerations**

7.1 The main issues in this case relate to the principle of development in the Rural Area Beyond the Green Belt, impact on the character of the surrounding area, impact on trees and highway safety.

### **Principle of Development**

7.2 The site lies in the Rural Area Beyond the Green Belt as defined in the Local Plan proposals map wherein permission will not be given for the construction of new buildings for purposes other than those set out in policy GBC3. The proposed new building fails to comply with this policy, and as such overriding material considerations must be demonstrated by the applicant. The proposed conversion of the existing cottages to open-market housing is acceptable in principle provided it complies with the criteria set out in policy GBC9.

### **Needs for Development**

7.3 The applicant sets out that all but 4 of the rooms in the main building do not meet the Commission for Social Care Inspection (CSCI) Standards, and if these standards were met within the existing building, this would reduce the number of residents by 50%, rendering the home financially unviable. The standard room size for first floor rooms in the main building appears to be approximately 9.6m<sup>2</sup> of useable floorspace. The National Minimum Standards for Care Homes Regulations 2003 state that pre-existing homes with rooms with less than 10m<sup>2</sup> useable floorspace (12m<sup>2</sup> for wheelchair users) should provide at least the same useable floorspace as they

### 3/09/0245/FP

provided as at 31<sup>st</sup> March 2002. Such homes should set out information about the size of their single rooms in their statement of purpose and service user's guide.

- 7.4 Therefore, there is no strict requirement to increase the size of pre-existing rooms. However, it is the Officer's view that the accommodation is far from ideal in both size and quality. Each room measures approximately 4.2m by 2.3m, and only a few have en-suite facilities. There are a limited number of communal toilet facilities on each floor. A copy of the latest CSCI report, carried out on 18<sup>th</sup> April 2007, has been submitted by the applicant which clearly identifies the care home environment as the main area for improvement.
- 7.5 The National Minimum Standards for Care Homes set out that for new extensions, individual en-suite bedrooms are required, with a usable floorspace of at least 12m<sup>2</sup> (excluding the en-suite). The new bedrooms are proposed to provide approximately 15m<sup>2</sup>, each with an en-suite, single bed, small kitchen area, and small living area. This will provide an excellent level of accommodation, that will significantly improve the environment for the residents.
- 7.6 Further information has also been submitted on the financial justification for a new building. Currently, the facility is running at a loss with expenditure exceeding income by approximately £59,000 for 2007/2008. This is expected to increase to £120,200 for 2009. It is proposed that the construction of this new building could result in profits of £60,500 for 2009/2010. However, given that the Hall is run as a charity, any profits would be returned to improve facilities within the rest of the Hall. It is therefore clear from these figures that without any additional capacity, the Hall may not be financially viable and possibly subject to closure.
- 7.7 With regards to alternative sites, the applicant sets out that they would not wish to relocate due to their strong historical links with the site, and that a relocation would cost more than improving the current site. The rural location is also considered to play a key role in the therapy for residents.
- 7.8 It is also material to note that there are few alternative facilities in the country which offer a similar level of supported living without nursing provision. This is supported by evidence that residents currently come from as far afield as Ealing, Berkshire, Hampshire, Lancashire and Cornwall, and there is currently a waiting list for residents.
- 7.9 The previous application was recommended for refusal due to insufficient information to adequately justify the exact number of additional rooms required. It has now been confirmed in this current application that the

numbers would only increase by 7 no. residents to a total of 44. With a new 40 bed wing, 4 rooms would remain in the main building which currently houses 23 rooms. Drawings accompanying this current application indicate how the remaining space in the main building would be utilized. At ground floor level, the dining room would be expanded into the existing lounge to cater for the increase in resident numbers. At first floor level, the 19 no. bedrooms of the main building would be removed, and 2 no. lounges, a games room, video room and quiet rooms would be installed. A further 4 no. bedrooms above the office would be used as staff accommodation.

- 7.10 Whilst the recreational space at first floor level would exceed that required under Care Home Standards, it would provide for excellent facilities to significantly improve the environment for residents. Officers had previously suggested that a number of rooms could remain at first floor level of the main building in order to reduce the size of the new wing; however given the nature of the residents' physical and mental health it would not be possible to place them in temporary accommodation whilst works go ahead. This is therefore considered to weigh in favour of allowing a new wing of this size.
- 7.11 A letter of support has also been received from Hertfordshire Partnership NHS Foundation Trust who are responsible for care placements in the county. They confirm that there is a "constant demand for quality residential provision and in particular placements which will cater for people with particularly challenging illnesses in an environment which offers therapeutic assistance away from challenges of living in a town centre."
- 7.12 Overall, therefore, it is the Officer's view that the particular need for this development provides material considerations to override Rural Area policy in this case. The Hall provides a key facility in the care of those with mental disabilities and significant improvements are required to existing accommodation. Unless additional residents can be accommodated, then the Hall is likely to be subject to closure.
- 7.13 However, it is considered reasonable and necessary to restrict the use of the main building to the layout shown in order to control the insertion of any further bedrooms. The later addition of further bedrooms within the existing building could increase pressure on the Rural Area and parking provision.

### **Design and Layout**

- 7.14 The proposed building is to be located to the north of the main building in an area of existing grass, trees and outbuildings. The outbuildings include a timber garage, sheds and oil tank - none of which are of any architectural or visual merit. The new building is to be a two storey structure, with the ridgeline significantly lower than the main building (8m as opposed to 12m).



### **3/09/0245/FP**

The building has been designed to reflect the character of the main building, formed of white render and yellow stock brick with 3 front hipped roof projecting elements and triangular details in the roofslope to reflect existing triangular dormers in the main building. The roof will consist of 4 hipped ridge sections with a narrow strip of flat roof remaining in the middle.

- 7.15 The building will measure approximately 37.5m in length and 18.5m in depth with a further single storey glazed link to the main building. The extension will therefore substantially increase the built proportion of the site, but is considered to be well-designed to appear subservient to the main building. Views of this new building will be restricted by way of existing mature tree screening.
- 7.16 In general I consider the building is well sited and limits any intrusion into the surrounding countryside.

#### **Landscaping and Trees**

- 7.17 The building will be sited on an existing grassy area with an existing landscaped pond to the front. A number of trees are to be removed, including fruit trees and bushes, and a couple of small ornamental trees. 1 no. horse chestnut will also need to be removed from a group to the front of the building; however this is not considered to detract from the amenity value of this group. None of the trees to be removed are of any significant arboricultural or public amenity value.
- 7.18 The Council's landscape officer has not responded to this current application; however no objection was raised under the previous submission, and the general layout has not changed. Conditions are recommended to require a full hard and soft landscaping scheme, and details of measures to retain and protect existing trees.
- 7.19 Sufficient landscaped areas, included grassy open space, will remain to the east, north and west of the new building. The north and east boundaries, in particular, are well-screened by existing mature trees to minimise the visual impact of this building. The proposal is therefore considered to be acceptable in this regard.

#### **Change of Use of Cottages**

- 7.20 In terms of the proposed change of use of the cottages, this should be considered in line with policy GBC9 for the re-use of rural buildings. The cottages were built as 8 no. semi-detached units which provided staff accommodation for the Hall in its earlier years. The buildings have since been converted to provide 3 no. 3 bed, 1 no. 2 bed and 1 no. 1 bed units, and as a result of increased resident numbers, these cottages are now used

### 3/09/0245/FP

as additional care home accommodation for those capable of more independent living.

- 7.21 These units therefore provide overflow accommodation. However, it is not a requirement of the Hall to provide independent accommodation, nor are these units used as transitional accommodation. The units have a small kitchen area with a kettle and a microwave; however residents take all their meals in the main building.
- 7.22 These cottages are located over 100m to the northwest of the main building, connected only by a road used by vehicles and farm traffic. It is acknowledged that this is not ideal accommodation for those in care, being so detached from the main building and its services including the dining room. This layout also creates problems for those with restricted mobility, particularly in adverse weather conditions. The accommodation of these residents within a purpose built residential wing will be a significant benefit and is considered to be a further material consideration to allow for the new building.
- 7.23 The cottages are clearly worthy of retention, and are capable of conversion with no external alteration or extension; only internal refurbishment would be necessary. 3 of the cottages will provide 3 decent sized bedrooms, a living room, kitchen and bathroom. 2 other units will remain as semi-detached with 1 no. 1 bed unit and 1 no. 2 bed unit. Each unit will also have a small garden area to the side and rear which provides for adequate amenity space. The introduction of a residential use in this location would not detract significantly from the rural character of the area; there are existing private dwellings at either end of this row of cottages.
- 7.24 The buildings are considered to be most suited to a residential use, and would provide an important contribution to the housing mix in this rural area. The Council's Housing Development Officer has indicated that there is no requirement for affordable housing provision on this site given that the site is remote from services and infrastructure, and not easily integrated into any existing settlement. Overall, therefore, the conversion of the cottages to individual dwellinghouses is considered to be in line with policies GBC3 and GBC9.

### **Parking and Access**

- 7.25 In terms of parking and access, it is not proposed to make any changes. There are currently 20 parking spaces on site to serve the Hall which is more than sufficient for 44 residents plus staff (the Council's adopted maximum Parking Standards stipulate a maximum of 17 spaces for 44 residents and up to 16 staff).

### **3/09/0245/FP**

- 7.26 There are two existing accesses, one from Munden Road, and one from Giffords Road. Munden Road provides the main entrance to the Hall whilst Giffords Road would provide access to the cottages. Highways have indicated that both accesses have adequate visibility and there is no record of any accidents at either location. The overall increase in traffic movements is not considered to be significant, and will not materially increase traffic levels on rural roads in the area. Highways have therefore raised no objection subject to conditions on the routing of construction vehicles and wheel washing facilities, both of which are recommended as conditions above.
- 7.27 In terms of the cottages, 1 no. off-road space is proposed for each of the 2 smaller cottages, and 2 no. spaces are proposed for each of the 3 bed units. These spaces will be provided to the front of the cottages with sufficient soft landscaping remaining.
- 7.28 There is also adequate provision for refuse storage within an existing outbuilding to serve the new development, and this is currently serviced by refuse vehicles from the Giffords Road access.

#### **Neighbouring Amenity**

- 7.29 Finally it is noted that the proposal will have no adverse impact on neighbouring amenity. The nearest residents are those in Emma Cottage and Giffords Cottage, detached dwellings adjacent to the cottages, located at a distance of approximately 120m from the new building. Further, it is not considered that the additional traffic movements associated with the change of use of the cottages will result in any significant harm by way of disturbance. A condition to restrict construction working hours is considered reasonable and necessary to protect the amenity of existing care home residents.

### **8.0 Conclusion**

- 8.1 In conclusion, the proposed 40 bed residential wing is contrary to policy GBC3, and therefore constitutes inappropriate development in the Rural Area Beyond the Green Belt. However, regard is had to other material considerations that weigh in favour of the application.
- 8.2 Libury Hall provides an essential facility for those with learning or mental disabilities, and accommodates residents from elsewhere in the country with an on-going waiting list. Existing accommodation is in need of significant improvement, and the location of the cottages away from the main building fails to provide for a good standard of accommodation.

### **3/09/0245/FP**

- 8.3 The financial situation of the charity is also a material consideration, and it is noted that if total income cannot be increased by accommodating new residents, then the Hall is likely to become financially unviable, and subject to closure.
- 8.4 The proposed development therefore secures the future viability of Libury Hall with enhanced accommodation for special needs with the public benefits that follow from this. There are no adverse impacts in terms of traffic or impact on trees. The extension is well located maintaining the compactness of the established group of buildings.
- 8.5 It is therefore the Officer's view that these material considerations are sufficient to override Policy GBC3. Further, the proposed conversion of the 5 no. cottages to open market dwellings is acceptable in accordance with Policy GBC9.
- 8.6 The application is therefore recommended for approval subject to the conditions set out above.