

5a 3/12/0259/FN – 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: 26.03.12

Type: Full - Major

Parish: GREAT MUNDEN

Ward: MUNDENS AND COTTERED

RECOMMENDATION:

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

1. Three year time limit (1T12)
2. Approved Plans (2E10) – ‘9105-S-001; 7955-101-A; 7955-102; 9105-S-002; 9105-S-004; 9105-S-003; 7955-103; 7955-104-B; 7955-105-B; 7955-106;7955-108’
3. Programme of archaeological work (2E02)
4. Materials of construction (2E11)
5. Withdrawal of P.D. (Part 1 Class A) (2E20)
6. Withdrawal of P.D. (Part 1 Class E) (2E22)
7. Wheel washing facilities (3V25)
8. 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.

9. Tree retention and protection (4P05)
10. Landscape design proposals (4P12 b,c,d,e,i,j,k,l)
11. Landscape works implementation (4P13)
12. Construction hours of working - plant and machinery (6N07)
13. 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.

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

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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, the National Planning Policy Framework and planning permission 3/09/0245/FP is that permission should be granted.

_____ (025912FN.LP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extracts 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.
- 1.4 This application seeks to renew planning permission lpa 3/09/0245/FP,

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approved on 6th May 2009, for a new two storey wing comprising 40 en-suite rooms with a single storey reception link to the existing building and change of use of 5 no. existing cottages from C2 (Residential Institution) to C3 (Dwellinghouses). A copy of the previous Committee Report is attached at Appendix 1.

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.
- 2.2 Most importantly, in terms of planning history, is the planning permission lpa 3/09/0245/FP, approved on 6th May 2009 for a new two storey wing comprising 40 en-suite rooms with a single storey reception link to the existing building and the change of use of 5 no. existing cottages from C2 (Residential Institution) to C3 (Dwellinghouses). This permission expired on 6th May 2012.
- 2.3 Prior to the above permission, planning application lpa 3/08/1670/FP for a 40 bed wing and change of use of the cottages was recommended for refusal to Committee on 17th December 2008 for reasons of being contrary to rural area policy and insufficient information on the exact increase in residential capacity to properly assess the potential impacts of the development on the local rural road network.
- 2.4 Prior to that in 1997, a new day care centre, the Schorr Centre, was approved (lpa ref: 3/97/1147/FP), and subsequently a new entrance lobby and smoking room were approved in 2007 (lpa ref: 3/07/2091/FP), and both are now complete.

3.0 Consultation Responses:

- 3.1 Hertfordshire Highways have no objection to the proposal.
- 3.2 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.
- 3.3 The Council's Housing Development Manager states that their view does not differ from that in 2009 – they do not wish to seek affordable housing

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units or a commuted sum on this site as it is too far away from local amenities.

- 3.4 Environmental Health raise no objection subject to conditions on construction hours of working, dust, bonfires, asbestos, contaminated land and piling works.
- 3.5 The County Planning Obligations Unit advise that they do not wish to propose seeking any financial contributions but comment that there are no public fire hydrants within the required distance and therefore recommend that hydrants are installed.
- 3.6 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.
- 3.7 No comments have been received from the County Development Unit.

4.0 Parish Council Representations:

- 4.1 Great Munden Parish Council have made no comments on the proposal.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification. 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
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

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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 Policy in the National Planning Policy Framework is also of relevance.

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; highway safety and neighbour amenity. At the time of submission of this application, the previous permission for the proposal remained extant, and therefore the Council needs to assess whether there has been any change in circumstances or policy since that approval that would warrant a different decision being reached at this stage.

Principle of Development

7.2 There has been little change in circumstances around the need for the development since the previous consent– the need relates to the current poor standard of accommodation and a financial justification. These were previously considered to constitute material considerations sufficient to outweigh Rural Area policy and the policy presumption against development. The reason why these works were not implemented after permission was granted in 2009 was due to a commercial partner, previously in the project, involved withdrawing from it.

7.3 As outlined within the ‘Considerations’ section in the previous Committee Report in Appendix 1, the site lies in the Rural Area Beyond the Green Belt 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 does not comply with this policy and as such it is for the applicant to demonstrate what other material considerations exist that would outweigh any harm to the Rural Area and the application of Rural Area Policy. 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.

7.4 The previous permission has established the principle of the development and Officers consider the justification set out in the earlier

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report still remains valid. However, it is still 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 as the later addition of further bedrooms within the existing building could increase pressure on the Rural Area and parking provision.

- 7.5 The proposal has been reviewed in the light of the publication of the National Planning Policy Framework (NPPF). However, it is considered that the contents of the NPPF do not alter the considerations relevant to this particular proposal.

Other issues

- 7.6 In regards to the design and layout, this remains as for the 2009 permission, being a well-designed and subservient extension to the main building, sited to limit any intrusion into the surrounding countryside.
- 7.7 The siting of the development requires a number of trees to be removed. However, none of those trees are of any significant arboricultural or public amenity value. Conditions are recommended to require a full hard and soft landscaping scheme, and details of measures to retain and protect existing trees.
- 7.8 In terms of the proposed change of use of the cottages, this element of the proposal remains acceptable in line with policy GBC3 and GBC9. 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 re confirmed 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.
- 7.9 In terms of parking and access, this remains acceptable as set out within the previous report.
- 7.10 In terms of neighbour amenity, Officers remain of the view that the development will have no adverse impact on neighbour 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) nor will any adverse impact upon existing care home residents result. 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 the previous permission and the other material considerations that weigh in favour of the application. 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. 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. There are no adverse impacts in terms of traffic, impact on trees or neighbours.
- 8.2 It is therefore the view of Officers that these material considerations are sufficient to justify a departure from Policy GBC3. Further, the proposed conversion of the 5 no. cottages to open market dwellings is acceptable in accordance with Policy GBC9.
- 8.3 There has been no significant change in circumstances since the previous 2009 permission and although national policies and guidance has altered with the introduction of the National Planning Policy Framework it is not considered that the contents of this document would alter the considerations of this proposal.
- 8.4 The application is therefore recommended for approval subject to the conditions set out above.