

5d 3/13/0137/FP – Demolition of existing outbuildings and lean-to structures, and erection of new two storey 29 bedroom wing, together with internal and external alterations to existing building - amended scheme, at Libury Hall, Great Munden, Ware, Hertfordshire, SG11 1JD FOR Angela Smith

Date of Receipt: 04.02.2013

Type: Full – Major

Parish: GREAT MUNDEN

Ward: MUNDENS AND COTTERED

RECOMMENDATION:

That (A) subject to no substantive objections being received from Herts Biological Records Centre (HBRC) in respect of the submitted bat survey, planning permission be **GRANTED** subject to the following conditions:

1. Three year time limit (1T12)
2. Approved Plans (2E10) – 7955-101-A, 7955-107, 7955-302-E, 7955-102, 7955-303-E, 7955-304-D, Tree Protection Plan
3. Programme of archaeological work (2E02)
4. Materials of construction (2E11)
5. Wheel washing facilities (3V25)
6. 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.

7. Tree retention and protection (4P05)
8. Landscape design proposals (4P12 b,c,d,e,i,j,k,l)
9. Landscape works implementation (4P13)
10. Construction hours of working - plant and machinery (6N07)
11. No further bedrooms, other than those shown on drawing 7955-303-E, 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 East Herts Local Plan Second Review April 2007.

12. No development, including the associated demolition works, shall take place until details of mitigations measures in respect of bats have been agreed in writing by the Local Planning Authority. The development shall then be carried out strictly in accordance with the agreed mitigation methods.

Reason: To protect the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

(B) if objections are received from HBRC, the matter be referred back to Committee for a further assessment of potential impact on bats.

Directives:

1. Other legislation (01OL)
2. Unsuspected contamination (33UC)

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 (Hertfordshire County Structure 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 and in particular policies SD2, GBC3, TR2, TR7, TR20, ENV1, ENV2, ENV4, ENV11, ENV16, BH1 and BH3); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and the renewal of planning permission that was granted under lpa refrence 3/12/0259/FN is that permission should be granted.

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 into 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 planning permission for the demolition of existing outbuildings and lean-to structures, and the erection of a new two storey 29 bedroom wing. Internal and external alterations are also proposed to the existing building to accommodate 15 bedrooms, two communal lounge areas and two small kitchens. The proposal would result in a total number of 44 bedrooms which is an increase of 21 compared to the existing accommodation at the site.
- 1.5 The current application follows a previous approval for a 40 bedroom wing and the change of use of existing cottages. An application to renew this planning permission was granted in 2012 under lpa reference 3/12/0259/FN. The previously approved extension would have provided 40 bedrooms, whereas the extension that is currently proposed would provide 29. However, due to a revised internal layout and works to the existing building the resulting number of bedrooms at the site would be 44 which is the same as what could be achieved with the extant planning permission. Other changes to the previous approval include demolition works to remove an existing 2 storey extension to the side of the building and an existing single storey front extension and some other minor external alterations to the existing building.
- 1.6 The applicant has explained that they aim to carry out the proposed development in 3 phases. Phase 1 would involve the construction of the new 29 bedroom wing. Once this accommodation is ready for occupation, the residents would be moved into the new wing and then

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phase 2 would take place which would involve the internal and external alterations to the existing building. Phase 3 would be the change of use of 5 cottages from Class C2 (residential institutions) to C3 (dwelling houses) which would be used for residents who are ready to live independently. The change of use of the cottages does not form part of this current application; however this development was approved with the renewal of planning permission that was granted in 2012 under lpa reference 3/12/0259/FN.

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.

The relevant planning history for the site is as follows:

- 2.2 In 1997, a new day care centre, the Schorr Centre, was approved (lpa reference 3/97/1147/FP), and subsequently a new entrance lobby and smoking room were approved in 2007 (lpa reference: 3/07/2091/FP), and both are now complete.
- 2.3 A planning application made under lpa reference 3/08/1670/FP for a 40 bed wing and change of use of the cottages was recommended for refusal to the Development Control Committee in 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. However, this application was withdrawn prior to a decision being made.
- 2.4 Planning permission was originally granted under lpa reference 3/09/0245/FP, in 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 (Dwelling houses).
- 2.5 Most recently, an application to renew that planning permission was granted in 2009 for the 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 (dwelling houses) under lpa reference 3/12/0259/FN.

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3.0 Consultation Responses:

- 3.1 Environmental Health have commented that the same conditions and advisory notes are recommended to the previous application made under lpa reference 3/12/0259/FN. These related to construction hours of working, dust, bonfires, asbestos, contaminated land and piling works.
- 3.2 County Highways do not wish to restrict the grant of permission subject to conditions which relate to wheel washing facilities and details of construction vehicle movements. They comment that there are some concerns that the proposal would increase vehicle usage of the access onto Munden road where visibility is severely limited. However, they are reasonably content that the proposal would not result in significant traffic movements likely to be detrimental to highway safety.
- 3.3 The County Planning Obligations Unit has commented that there are no public fire hydrants within the required distance to this proposed development. However, it is possible that there could be existing private hydrants nearer the site. It is therefore recommended that hydrants are installed to serve the proposal.
- 3.4 The County Historic Environment Unit have commented that the proposed development is likely to have an impact upon heritage assets of archaeological interest and therefore recommend a condition to require the applicant to secure a programme of archaeological work.
- 3.5 At the time of writing this report the Herts Biological Records Centre (HBRC) have commented that they have not fully considered the submitted bat survey. However, bats and their roost sites must be protected and the ecological report seeks to ensure that. Any further detailed representations that are received prior to the committee meeting will be reported to Members.

4.0 Parish Council Representations:

- 4.1 Great Munden Parish Council have no objections.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 No letters of representation have been received.

6.0 Policy:

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

SD2	Settlement Hierarchy
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
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
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
BH1	Archaeology and New Development
BH3	Archaeological Conditions and Agreements

6.2 The provisions of the NPPF are also of relevance to this application.

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; the impact upon the character of the surrounding area; impact on trees; highway safety; neighbour amenity and impact on protected species. The recently approved application for the renewal of planning permission for a similar development at the site also forms a material consideration to which substantial weight should be attached.

Principle of Development

7.2 The extant permission for a similar proposal accepted the principle of building a large extension to the property and increasing the number of bedrooms at the site to the number that is currently proposed. Therefore, an assessment needs to be made as to whether there have been any changes in circumstances or policy since that approval that would warrant a different decision, with regards to the principle of the development, being reached at this stage.

7.3 The site lies in the Rural Area beyond the Green Belt wherein permission should 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.

- 7.4 The other material considerations put forward in this case relate to the applicant's need for the development due to the current poor standard of accommodation at the site and their financial justification. The applicant has explained that some 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.
- 7.5 There appears to have been no changes in circumstances around the need for the development since the previous permission was granted. These circumstances were previously considered to constitute material considerations sufficient to outweigh the Rural Area policy presumption against development.
- 7.6 The only change in policy since permission was granted for the renewal of the previous planning permission is with regard to the revocation of the East of England Plan. However, Officers do not consider that this alters the considerations relevant to this particular proposal.
- 7.7 Officers therefore consider, in respect of the principle of the development, that there are no significant changes in circumstances since the recent approval for a similar development at the site and consider that there continue to be material considerations in this case which justify a departure from Policy GBC3.

Design and Layout

- 7.8 The new building is proposed to be located to the north of the main building in a grassed area occupied by trees and outbuildings. The outbuildings include a timber garage, sheds and an oil tank - none of which are of any architectural or visual merit.
- 7.9 The proposal is for a two storey building, with a ridgeline significantly lower than the main building, reaching a maximum height of 7.8 metres compared to 12 metres for the main building. 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 roof slope to reflect existing triangular dormers in the main building.

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- 7.10 Whilst the extension will substantially increase the built proportion of the site, Officers consider it to be well-designed to appear subservient to the main building. Views of this new building from outside of the site will be restricted by way of existing mature tree screening.
- 7.11 The siting and appearance of the development is considered to be acceptable and it has been sensitively designed in order to try and minimise its impact upon the rural character and appearance of the area.

Landscaping and Trees

- 7.12 The building will be sited on an existing grassed area where there are a number of small trees proposed to be removed including 1no. Ash tree, a number of fruit trees and bushes, and some 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 considered to be of any significant arboricultural or public amenity value.
- 7.13 Conditions are recommended to require a full hard and soft landscaping scheme, and for the retention and protection of existing trees.
- 7.14 Sufficient landscaped areas, including grassed open spaces, 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 which would minimise the visual impact of this building. The proposal is therefore considered to be acceptable in respect of its impact upon existing landscaping and trees, in accordance with the aims of Policy ENV2.

Parking and Access

- 7.15 In terms of parking and access, it is not proposed to make any changes. Appendix II of the Local Plan recommends a maximum parking provision of 17 spaces for 44 residents and up to 16 staff. There are currently 20 parking spaces on site to serve the Hall which appears to be more than sufficient to meet the needs of the site.
- 7.16 County Highways have raised some concerns in respect of any increased vehicle usage to the access onto Munden road where visibility is severely limited. However, they do not raise any objections to the proposal and conclude that it would not result in significant traffic movements which would be likely to be detrimental to

highway safety. They comment that the number of new bedrooms has decreased since the previous proposal and therefore their comments suggest that the current proposal would not result in any further traffic increases compared to the extant permission.

Bats

- 7.17 An ecological report has been submitted with the application which identifies that evidence of bats have been found at Libury Hall. The report states that the roof void that has the main evidence of bat roosting is at the southern end of the building. There are no changes proposed to this roof void as part of the current proposal. However, the proposal would result in the demolition of an existing 2 storey extension to the building. The overall bat roost potential for the site is identified as 'high' and evidence of bats have been found within the existing building. Therefore Officers consider that the proposal could result in some harm to these protected species and their habitats. It is therefore necessary to consider this matter in more detail and further consultation has been carried out with the Herts Biological Records Centre (HBRC).
- 7.18 When deciding whether to grant planning permission where species protected by European Law may be harmed, Local Planning Authorities must apply the following 3 derogation tests:
- the activity must be for imperative reasons of overriding public interest or for public health and safety;
 - there must be no satisfactory alternative;
 - favourable conservation status of the species must be maintained.
- 7.19 The proposed development would secure the future viability of Libury Hall with enhanced accommodation for special needs with the public benefits that follow from this. The proposed development would ensure that the applicant can continue their existing use of Libury Hall which Officers consider to be of overriding public interest due to the services and employment that it offers to the local community and the wider area and therefore the proposal meets the first of the above tests.
- 7.20 In respect of the second test, an alternative proposal was approved within the recent planning permission. This previous proposal would involve less demolition work than currently proposed which would therefore be likely to have reduced impact on the harm that could be caused to bats and their habitats. Officers have discussed this matter with the applicant's agent who has explained that the applicant is not in a position to implement the previous permission due to the problems with access and viability that this would cause. Due to the substantial

internal works that would be required to retain the 2 storey building that is proposed to be demolished the applicant considers that this would affect the viability of the scheme. As outlined above the proposed development is required to secure the long term viability of the site and therefore if the previously approved scheme is unviable then this could threaten the future use of the site as a whole. Officers have requested some further written information from the applicant in respect of this matter and any additional information received will be reported to Members at the committee meeting. However, officers are satisfied from the information currently available that the second test is met.

- 7.21 Officers also consider that the favourable conservation status of the species can be achieved through appropriate mitigation methods which are recommended to be agreed by condition. However, the consultation response from the Herts Biological Records Centre in respect of the submitted bat survey and mitigation measures is awaited at the time of writing this report. If any unforeseen objections are raised to the proposal as a result, officers consider that the matter should be reported back to members for further consideration. If no objections are received, however, then it is recommended that a decision can be issued subject to a condition requiring suitable mitigation measures to be implemented. A condition is suggested to address this matter.

Other Matters

- 7.22 In terms of neighbour amenity, as was the case with the previous application at the site, Officers remain of the view that the development will not have an unacceptable impact. The nearest residents are those in Emma Cottage and Giffords Cottage, detached dwellings adjacent to the cottages, located at a distance of approximately 120 metres from the new building. Officers also consider that the development would not have an adverse impact upon the amenities of the existing care home residents. However, a condition to restrict construction working hours is considered reasonable and necessary to protect the amenity of existing care home residents.
- 7.23 As with the previous application at the site, 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 generate additional vehicular traffic which would impact upon the character of the Rural Area and parking provision within the site. A condition is therefore recommended to prevent any additional bedrooms being created without the Council's consent.

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7.24 The recommendation from the County Obligations Unit for fire hydrants to be installed at the site is noted. However, having regard to the scale of development that is proposed and the previous permissions that were granted without this requirement, Officers consider that it would be unreasonable to require the applicant to provide a hydrant as part of any planning permission granted for the current proposal.

8.0 Conclusion:

8.1 In conclusion, the proposed 29 bed residential wing would be 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 the existing accommodation is in need of significant improvement.

8.3 The proposed development would secure the future viability of Libury Hall with enhanced accommodation for special needs with the public benefits that follow from this. The extension is well located maintaining the compactness of the established group of buildings.

8.4 In addition to the above considerations the principle of a development of a similar size and scale has already been accepted with the application that was recently approved to renew the planning permission for a large extension to the existing building. There have been no substantial changes in circumstances since this recent permission to justify a different decision being made with regards to the principle of the development.

8.5 The application is therefore recommended for approval subject to the conditions set out above.