

5c a) 3/13/2064/FO – Variation of Condition 2 (approved plans) of planning permission 3/11/0115/FP to relocate hotel extension 7.5 metres to the north west; raise height by 200mm and revise car parking to include removal of 2nd and 3rd basement car park levels; and

b) 3/13/2062/FP – Extension of existing surface level car park including re-arrangement of the existing, to create 75 parking spaces at The Manor Of Groves, High Wych Lane, High Wych, Sawbridgeworth, Herts, CM21 0JU for S Hung, Manor of Groves Hotel

Date of Receipt: a) 22.11.2013

b) 05.12.2013

Type: a) Removal of Onerous Condition – Major
b) Full – Minor

Parish: HIGH WYCH

Ward: MUCH HADHAM

RECOMMENDATION:

That, subject to the referral of application reference 3/13/2064/FO to the Secretary of State under the requirements of the Town and Country Planning (Consultation) (England) Direction 2009:

a) planning permission be **GRANTED** in respect of application 3/13/2064/FO subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved plans (2E10) insert:- ‘MG 684/19; MG 684/20A; MG 684/21E; 684/22C; MG 684/23A; MG 684/24B; MG 684/25C; MG 684/26B; MG 684/27B; MG 684/28B; OS 717-13.3 Rev A; OS 171-13.2 Rev A; OS 717-13.1; OS 717-13.4 Rev B; OS 717-13.5’
3. Sample of materials (2E12)
4. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to ensure that identified bat foraging areas are not unduly affected in accordance with policies ENV23 and ENV16 of the East Herts Local

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Plan Second Review April 2007.

5. Cycle Parking Facilities (2E29)
6. New Doors and Windows -unlisted buildings (2E34)
7. Sample Brickwork Panel - unlisted buildings (2E35)
8. External details of extraction equipment (2E37)
9. Wheel washing facilities (3V25)
10. Tree retention and protection (4P05)
11. Landscape design proposals (4P12) a,b,c,d,e,i,j,k,l
12. Landscape works implementation (4P13)
13. Landscape maintenance (4P17)
14. Prior to the commencement of development details of construction vehicle movements and construction access arrangements shall be submitted to an approved in writing by the Local Planning Authority. The construction of the development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of highway safety and to ensure the impact of construction vehicles is minimised.

15. Prior to the first use of any part of the building hereby permitted, the extended car park, approved under reference 3/13/2062/FP, shall be completed and made available for use in connection with the hotel extension.

Reason: To ensure that adequate parking provision is retained at all times, in accordance with policy TR7 and Appendix II of the East Herts Local Plan Second Review April 2007.

Directives:

1. Groundwater protection zone (Redricks Lane) (28GP)
2. The applicant is advised that the development and the felling of trees should proceed with caution and should the presence of bats or other protected species be found works should cease and advice should be

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sought from a suitably qualified ecologist on how to proceed lawfully.

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, the planning permission previously granted under LPA reference 3/11/0115/FP and the current planning application made under LPA reference 3/13/2062/FP is that permission should be granted.

- b) planning permission be **GRANTED** in respect of application 3/13/2062/FP subject to the following conditions:
1. Three Year Time Limit (1T12)
 2. Approved plans (2E10) insert:- 'OS625 – 13.5; OS625 – 13.4 Rev. B; OS625-13.1Rev.B; OS625-13.3 Rev. A; 13019/3A, MG684/19 Rev. A, 5529/02'.
 3. This permission shall only be implemented in association with the development works approved under LPA reference 3/13/2064/FO and the extended car park hereby approved shall be completed and made available for use prior to the first use of the new extension granted under LPA reference 3/13/2064/FO.

Reason: To ensure that adequate parking provision is retained at all times, in accordance with policy TR7 and Appendix II of the East Herts Local Plan Second Review April 2007.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. The Manor of Groves hotel complex is some 52 hectares in size and is located to the western edge of High Wych, a Category 2 Village, within the Metropolitan Green Belt. It is primarily accessed from a long private driveway off High Wych Lane, although additional access to the site is provided from Ruckets Hall Lane a narrow country lane which runs directly behind the main hotel building.
- 1.2 The wider site comprises of a Grade II Listed Building which was converted and extended in the late 1980's for hotel use. Further extensions to the building have provided additional bedrooms, a health and fitness centre and large detached golf clubhouse to serve the 18 hole golf course. The hotel currently has 88 bedrooms. 74 surface car parking spaces are available which are sited to the south and east of the main hotel building. To the south of the hotel is relatively open parkland whilst the land to the north and east is wooded with mature trees.
- 1.3 Planning permission was granted in 2011 for the erection of a free standing hotel extension to provide 42 en suite guest bedrooms and 5 staff bedrooms. This proposal involved the provision of three levels of basement car parking. Planning application a), submitted under LPA reference 3/13/2064/FO proposes a variation of condition 2 of that 2011 permission. Condition 2 requires the development to be carried out in accordance with the approved plans. The current application seeks to vary this condition to allow amended plans to be agreed. The amended plans propose to relocate the extension building 7.5 metres to the north west of its approved position, raise the height of the building by 200mm

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and create a revised car parking arrangement to include the removal of the 2nd and 3rd basement car park levels originally permitted.

- 1.4 Planning application b), submitted under LPA reference 3/13/2062/FP proposes an extension to the existing car park located to the south east of the existing hotel building to create an additional 75 spaces. These new parking spaces are proposed to replace those that would be lost with the removal of the basement car parking proposed under application a).
- 1.5 Following some initial concerns raised by the Council's Landscape Officer, amended plans have been received which now propose additional tree planting around the outside of the car parking area for the new building, additional planting inside the extended car park and the resurfacing of the entire car park to the south west of the existing building. These amended plans have resulted in a reduction of 4 parking spaces compared to the scheme as originally submitted. A total of 149 spaces are now proposed.

2.0 Site History:

- 2.1 The relevant planning history for the site is as follows:
- 3.2 Planning permission and Listed Building Consent were granted in 1988 (LPA Refs: 3/88/0722/FP) for the change of use and extensions of the former Georgian country house and associated outbuildings to an hotel and the provision of a 9 hole golf course.
- 3.3 In 1989 a further application was granted (LPA Ref:3/89/0120/ZA) for an additional 9 holes to create an 18 hole golf course and a clubhouse.
- 3.4 In 2001 planning permission and listed building consent were granted (LPA Ref: 3/99/0453/FP and 3/99/0454/LB) to extend the hotel to provide an additional 25 bedrooms and a health and fitness centre which is open to the public.
- 3.5 In 2001 (LPA Ref: 3/01/0857/FP) and 2005 (3/05/0134/FP) planning permissions were granted to extend the clubhouse which, as well as being used by golf club members, is used for conferences and other events in association with the main hotel and can accommodate up to 400 guests.
- 3.6 Planning permission was granted in 2011 for the erection of a free standing hotel extension to provide 42 en suite guest bedrooms and 5 staff bedrooms under LPA reference 3/11/0115/FP. This permission

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has not yet been implemented.

3.0 Consultation Responses:

- 3.1 County Highways do not wish to restrict the grant of permission. They comment that it has been demonstrated in the transport statement that there will be no increase in the volume of traffic accessing the hotel as a result of the proposed changes to the approved plans and therefore provided that the additional car parking also proposed is carried out they have no grounds to raise an objection.
- 3.2 Affinity Water comment that the site is located within the Ground Water Protection Zone of Redricks Lane pumping station.
- 3.3 Hertfordshire Gardens Trust object to proposal b) for the extension to the car park as the planning statement says that more parking spaces will be created once the layout is complete. Further erosion of this historic park to enlarge the car park should not be carried out. The proposed planting within the car park is sparse.
- 3.4 Campaign to Protect Rural England (CPRE) has commented that they have no objections to the application for variation of condition (LPA. 3/13/2064/FO). However, concerns are raised in respect of the proposed car park extension (LPA. 3/13/2062/FP) as it is unclear how many vehicles the existing car park can accommodate and therefore the additional parking spaces are unconfirmed. Any expansion of surface car parking will impact upon the openness of the Green Belt and the historic setting of The Manor of Groves and therefore the expansion should be kept to the minimum required to meet the needs of the business.
- 3.5 The Historic Environment Unit has no comments on the proposals.
- 3.6 The Council's Landscape Officer has recommended approval. Initial comments received from the Landscape Officer recommended refusal as they considered that additional tree planting should be provided around the outside of the car park to the new building, additional planting should be provided within the extended car park and the existing car park should be resurfaced to improve the standard of this car park. Based upon the amended plans received they have now confirmed that they have no objections to the proposals.

4.0 Parish Council Representations:

- 4.1 No representations have been received from the High Wych Parish

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Council.

5.0 Other Representations:

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

5.2 No representations have been received.

6.0 Policy:

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

GBC1	Green Belt
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV17	Wildlife Habitats
SD1	Making Development More Sustainable
LRC10	Tourism
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR7	Car Parking- Standards
TR20	Development Generating Traffic on Rural Roads
IMP1	Planning Conditions and Obligations

In addition, the following sections of the NPPF are of relevance:

Section 3 – Supporting a prosperous rural economy

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment.

7.0 Considerations:

7.1 As already stated, planning permission was granted in 2011 for the erection of a free standing hotel extension to provide 42 en suite guest bedrooms with a 5 staff bedroom extension. The considerations relating to the principle of the proposed extension and the special circumstances demonstrated, the size and design, its impact upon the openness of the Green Belt, and the setting of the Listed Building were accepted by the Council in 2011. These considerations are contained within the Officer report for the previous application which is attached as

Essential Reference Paper 'A' to this report.

- 7.2 Since the previous planning application was considered by Committee, in 2011, the National Planning Policy Framework (NPPF) has been published.
- 7.3 The NPPF sets out the appropriate forms of development within the Green Belt, as did its predecessor PPG2 and the current Local Plan Policy GBC1. The NPPF now allows for extensions to existing non-residential buildings, provided that they do not result in disproportionate additions over and above the size of the original building. The proposed extension to the hotel is relatively large in size and Officers consider that this, cumulatively with other extensions to the original building, could be viewed as disproportionate additions. Therefore, as was the case with the previously approved scheme, the proposed development would form a departure from policy.
- 7.4 However, the NPPF does provide some additional support for tourism development in rural locations. Section 3 of the NPPF states that Planning Authorities should support sustainable growth and expansion of all types of business and enterprise in rural areas and support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities.
- 7.5 Officers consider that the changes in national policy are not significant in respect of the current proposal and should not lead to a different decision being taken in respect of the principle of the development, provided that the special circumstances previously identified still exist.
- 7.6 The determining considerations in this case are therefore considered to be as follows:
- Whether very special circumstances still exist to justify the proposed departure from Green Belt policy;
 - Whether the amended plans for the proposed extension to the hotel are acceptable including the proposed removal of basement car parking;
 - Whether the proposed extension to the existing car park to the south east of the existing building is acceptable.

Very special circumstances

- 7.2 In the case of the previous planning application, approved in 2011, the applicant argued that their 'very special circumstances' related to the risk of the business failing and the potential loss of a tourist facility and place of employment. The applicant submitted a business case together with financial records that showed that from 1996 to 2003 Manor of Groves recorded trading losses and from 2004 to 2008, whilst profitability was achieved, this then declined year on year and since 2009 the hotel had again been operating at a loss. It was projected that, on the basis that the status quo was maintained, income would continue to fall to levels that could not be sustained and which would almost certainly, result in the closure of the hotel. The applicant identified that at the Manor of Groves, there was a mismatch between the demand for services and facilities provided by the hotel as a wedding and conference venue and the number of bedrooms available. This led to the proposal for additional bedrooms to enable the hotel to compete with other businesses and meet the needs of their existing and future customers.
- 7.3 The Officers report in the case of the 2011 application (ERP A) concluded that, from the information submitted, it appeared that there was a real risk that the hotel would fail and that this would have a significant adverse effect on the local economy particularly in relation to the number of jobs that would be lost. The Committee supported the recommendation of Officers to approve of planning permission for the new extension.
- 7.4 With the current submission, the applicant has provided additional information in support of the proposals. The document submitted explains that the reason for the proposed alterations to the approved plans to remove two levels of the basement car parking is due to the high cost of providing the basement parking. They explain that the basement parking would take up most of the budget available for the proposed extension and therefore, despite some additional costs proposed to extend the existing car park to the south east of the existing building, the removal of two levels of basement car parking would represent a significant saving.
- 7.5 Financial information has been submitted which states that since 2011 the hotel has continued to make a loss each year and that they have only managed to continue trading due to subsidies from two other hotels in the same ownership. The report submitted concludes that the situation for the hotel has not changed since 2011 and that it is essential that the 42 guest rooms proposed are provided to improve the

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situation and enable the Manor of Groves to compete more effectively with the local market. They state that it is also essential that the new block is provided within a tight budget and that the previously approved plans for 3 storeys of basement parking is no longer viable.

- 7.6 Based upon the information submitted, Officers consider that the same very special circumstances that were considered sufficient to justify the 2011 planning permission still exist today. Therefore, it is considered that very special circumstances exist to clearly outweigh any harm to the Green Belt and to justify the proposed extension to the hotel. Furthermore, the principle of removing the second and third levels of basement car park is acceptable and weight should be given to the need to remove this to make the savings necessary to make the building project viable.

Amended plans for the proposed hotel extension

- 7.7 The removal of the second and third levels of basement parking from the approved plans would not materially affect the external appearance of the building or its impact upon the openness of the Green Belt or the setting of the Listed Building. However, to ensure that adequate parking provision remains at the site to meet the needs for the extended hotel, Officers consider that it is necessary to impose a condition on the permission to require that the extension to the car park proposed under LPA reference 3/13/2062/FP is ready for use prior to the occupation of the extension.
- 7.8 In respect of the proposal to move the approved block 7.5 metre north west, this part of the proposal would result in the loss of three additional trees, one of which is classified as Grade B and the other two are classified as Grade C trees. However, compensatory tree planting is proposed and it is noted that the Council's Landscape Officer raises no objections.
- 7.9 The repositioning of the extension block would place this building closer to the northern site boundary. However, there are a considerable number of tall and mature trees along this boundary that would provide screening of this building to the surrounding area. Officers consider that the proposed repositioning of the building would not have a significantly greater impact upon the openness of the Green Belt and the character of the area as a whole compared to the approved scheme.
- 7.10 The proposed raising in the height of the building by 200mm represents a modest change that would not significantly alter the scale or overall

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impact of the approved building.

- 7.11 The footprint of the proposed building and its design would not change from the plans approved in 2011. Officers consider that the changes proposed to the building in respect of the removal of two storeys of basement parking, the repositioning of the building and the increase in height to form modest changes that would not significantly alter the impact of the proposals upon the openness of the Green Belt, the setting of the Listed Building or the character and appearance of the area as a whole, compared to the previously approved scheme.

Extension to the existing car park

- 7.12 The proposed extension to the existing car park to the south west of the existing hotel building would provide 75 additional car parking spaces. These additional parking spaces, together with those that are proposed to be provided within the basement and surface level car parking adjacent to the new hotel block would provide a total of 150 new parking spaces. A total of 149 new parking spaces were provided within the 2011 planning permission. Officers consider the parking provision proposed to be acceptable. However, it is considered that the proposed extension to the existing car park to the south east of the main building will be necessary in order to meet the needs of the extended hotel.
- 7.13 The concerns raised by CPRE and the Hertfordshire Gardens Trust in respect of the proposed extension to the existing car park have been noted. It is acknowledged that as the existing car parking within the site is not marked with white lines, that it is difficult to ascertain the exact provision that is available within the existing site. However, Officers have returned to the applicant's agent who has provided some clarification on this matter and has confirmed that the total proposed new spaces is 150.
- 7.14 Whilst it is acknowledged that the extension of the car park would result in the loss of some undeveloped land and would inevitably have some impact upon the openness of the Green Belt and the setting of the Listed Building. However, this impact would be limited to that caused by the new hard surfacing proposed, as there would be no general increase in activity within the site with the number of parking spaces proposed being almost identical to the number of spaces previously approved within the basement car parking. Furthermore, new tree and other planting is proposed within and outside of this car park to soften its impact upon the site.
- 7.15 Having regard to the very special circumstances that have been

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demonstrated by the applicants, as outlined above, Officers consider that the benefits of the proposed car park extension in enabling the hotel extension to take place, which in turn is hoped to improve the performance of the existing business, are sufficient to clearly outweigh the harm that the car park extension would have upon the openness of the Green Belt, the setting of the listed building and the character and appearance of the area as a whole.

- 7.16 Due to the very special circumstances in this case, it is important that the proposed car park extension is not implemented without the extension to the hotel also being carried out. A condition is therefore recommended to require that the permission for the extension to the car park is only carried out in accordance with the approved plans for the hotel extension which has the reduced basement car parking.

Other matters

- 7.17 In respect of neighbour amenity, the proposed developments would occur some 150 metres away from the closest neighbouring residential properties. Having regard to these distances Officers consider that the proposal would not have an unacceptable impact upon the amenities of neighbouring occupiers.
- 7.18 In respect of ecology, it is noted that in the case of the 2011 planning permission, it was determined that the proposed development would not adversely impact upon existing ecology or any protected species. Officers consider that it is unlikely that the ecological circumstances within the site would have significantly changed since the 2011 approval and Herts Ecology have not submitted any representations in respect of the current applications. Having regard to the extant planning permission at the site, Officers are satisfied that there is no evidence that the proposal would have an unacceptable impact upon protected species and their habitats. However, a directive is recommended to advise the applicant to take a cautionary approach in respect of protected species for both applications.
- 7.19 The conditions imposed upon the 2011 planning permission are recommended to be used again in the case of application a) for the variation of condition. Officers consider these conditions to remain relevant to the current proposal and necessary for the grant of permission.

8.0 Conclusion:

- 8.1 Having regard to the planning permission granted in 2011 under LPA

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reference 3/11/0115/FP and the details of the current proposals, Officers consider that very special circumstances exist in this case that would clearly outweigh any harm caused to the Green Belt and justify the departure from policy that both applications propose.

- 8.2 Officers therefore recommend approval of both applications for planning permission subject to the conditions set out at the head of this report.