

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT**

APPLICATION No:	S6/2008/0695/FP
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NOTATION:

The site lies within a Green Belt area of Brookmans Park as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

Mymwood House was built as a residential dwelling around 1820 and is a two-storey, detached, white rendered building with a pitched slate roof. Mymwood House has a single storey, flat roofed extension to the rear. The building has been used as a residential care home for the elderly since the mid-1980's and before this had been used as a boarding school from the 1930's. Mymwood house is set back from the highway by approximately 65m. To the front of the site is a detached building Mymwood Lodge. Both Mymwood House and Mymwood Lodge are Grade II Listed Buildings. The site lies within the Metropolitan Green Belt and to the east of the settlement of Brookmans Park.

The site slopes upward from the west to the eastern boundary of the site and Mymwood house is set on an excavated ground level. To the east of the site is an adjacent residential development (Lysley Place). The nearest property to the proposed development, which lies beyond the eastern boundary, is 'The Barn'. To the eastern boundary of the plot is a tall brick wall, which varies in height. The site has several mature trees some of which are protected. Clusters of large trees lie to the front (south) of the plot and beyond the rear of Mymwood House to the east.

The application site has extant approval for the demolition of an existing single storey prefabricated extension and the construction of a part single and part two-storey rear extension to accommodate a 13 new bedrooms and an associated accommodation. The proposed extension would be L-shaped around a courtyard area. A further application granted permission for a basement under the rear extension and a single storey side extension replacing the modern additions to the eastern flank of the building. The most recent approval granted listed building consent for a complete internal refurbishment.

DESCRIPTION OF PROPOSAL:

The application applies to remove condition number 5 of planning consent S6/2007/1704/MA. This condition states the following:

With the exception of any warden's flat, the residential units hereby permitted shall only be permanently occupied by persons above the national retirement age and/or disabled, the partner of any occupier of any unit, or any such person as may be agreed by the local planning authority in writing as being an acceptable occupier of the unit.

Reason: Permission is only granted having regard to the type of unit and nature of occupants indicated in the application. In addition, the local planning authority's car parking standards would require a greater level of provision if the development were

to be occupied as conventional housing. The occupation of the residential units otherwise than by the elderly would lead to additional traffic and parking on nearby highways, adversely affecting the safety of road users and detracting from the amenity of nearby residents. In compliance with Policy CLT17 of the Welwyn Hatfield District Plan 2005.

The applicant has suggested an alternative condition that would restrict the use of the building to only be within the C2 use class, but to not have an age restriction.

PLANNING HISTORY:

S6/1983/592/FP – Change of use from school house to office – Refused.

S6/1984/519/FP – Change of use from school to residential home for the elderly – Approved.

S6/1985/601/FP – Construction of fire escape stairs in connection with change of use of existing building to old people's home – Granted.

S6/2005/225/FP – Alterations and Extensions to Care Home – Refused.

S6/2005/226/LB – Alterations and Extensions to Care Home – Refused.

Applications S6/2005/225/FP and S6/2005/226/LB were subsequently dismissed at appeal. The Inspector's decision gave allowance for the development within the Green Belt due to very special circumstances, but did not accept the design or the proposal's relationship with the existing Listed Building.

S6/2007/422/MA – Removal of pre-fabricated buildings and erection of extensions to provide 13 additional bedrooms and ancillary accommodation – Planning application Approved.

S6/2007/0421/LB – Removal of pre-fabricated buildings and erection of extensions to provide 13 additional bedrooms and ancillary accommodation – Pending consideration.

S6/2007/1711/LB – Erection of single storey and basement level extensions – Approved.

S6/2007/1724/MA – Erection of single storey and basement level extensions – Approved.

S6/2008/0556/LB – Internal Alterations – Approved.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

PPS1: Sustainable Development

PPG2: Green Belts

PPG13: Transport

East of England Plan

SS1: Achieving Sustainable Development

SS2: Overall Spatial Strategy

T14: Parking

Hertfordshire Structure Plan Review 1991 – 2011:
None.

Welwyn Hatfield District Plan 2005:

SD1 - Sustainable Development

GBSP1 - Definition of Green Belt

CLT17 - Care in the Community

M14 - Parking standards for new developments

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS

Parish Council Comments – No comments received.

REPRESENTATIONS

The application was advertised by a press notice, neighbour notification letters and a site notice. No objections or comments were received. Period expired 8 July 2008.

DISCUSSION:

The main issues are:

The appropriateness and necessity of condition number 5 of planning application S6/2007/1704/MA.

The application site has planning approval for extensions to the rear of the main building and a basement below. The approved development was determined subsequent to an appeal decision, which found very special circumstances to allow inappropriate development within the Metropolitan Green Belt.

The appeal decision came about from evidence within the appellant's statement, which demonstrated a need for residential care facilities (both private, voluntary and public). The appeal did not distinguish any division within the care facilities needed and assessed a C2 use rather than a specific elderly use.

The sites location means that residential accommodation within a C3 use and other uses are unlikely to be acceptable. Furthermore, no uses other than a C2 use have been proven to have very special circumstances to outweigh the harm of inappropriate development within the Green Belt. Many uses that would not be acceptable would result in an unacceptable level of associated activity, which would conflict with the character of the Green Belt.

When considering the previous approvals to allow extensions to the care home, the size of the extensions were assessed against the parking standards of the District Plan. A residential care home would accommodate a relatively low amount of car users and is not likely to have as great impact upon the adjoining highway as residential dwellings with an equal amount of occupants. When bearing in mind the location of the site and it not being easily accessible by public transport, it would not be appropriate for a new use to result in a significant amount of vehicular movements to and from the site.

Although the previous condition restricted the development to only accommodate persons above the national retirement age and/or disabled, any other type of residential institution as defined within the C2 class are not likely to result in a

significantly greater amount of vehicular movements. Therefore, it is only necessary that the site is conditioned to retain a C2 use.

CONCLUSION:

The alteration of condition 5 of planning application S6/2007/1704/MA to restrict the site to only accommodate a C2 use is considered to be acceptable. It is not necessary for the site to be restricted for the accommodation of people above retirement age to ensure that the surrounding environment does not suffer an adverse impact.

RECOMMENDATION: Condition number 5 of planning consent S6/2007/1704/MA be removed and replaced with the condition below:

1. With the exception of any staff accommodation, the development hereby permitted and the existing building, which it forms an extension to, shall be used only for the purposes of a residential care home within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: Permission is only granted having regard to the type of unit, nature of occupants indicated in the application and very special circumstances that the application has demonstrated. This would ensure that the amenity of nearby residents and the rural character of the Metropolitan Green Belt are maintained. In compliance with Policy CLT17 of the Welwyn Hatfield District Plan 2005 and PPG2.

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

Reason for Grant of removal of condition:

The proposal has been considered against Planning Policy Statement/Guidance PPS1, PPG13, PPG2 and development plan policies SS1, SS2, T14 of the East of England Plan and SD1, M14, CLT17, GBSP1 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which indicate that the proposal should be approved. Material planning considerations do not justify a decision contrary to the Development Plan (see Officer's report which can be inspected at these offices).

INFORMATIVES:

None.

DRAWING NUMBERS:

Site Location Plan JDA/03/940/OS.001 date stamped 14 April 2008.

Signature of author..... Date.....