

## DEVELOPMENT MANAGEMENT COMMITTEE REPORT– 13 September 2017

<b>Application Number</b>	3/17/0881/VAR
<b>Proposal</b>	Variation of condition 2 (Approved Plans) of permission 3/15/0964/FUL to provide for the addition of an "Orangery" to the top floor and the insertion of 3 No. windows to the third floor and deletion of 1 no. window to the same floor.
<b>Location</b>	Goring Estates Depot, Widbury Hill, Ware, Hertfordshire
<b>Applicant</b>	Caring Homes Group
<b>Parish</b>	Ware
<b>Ward</b>	Ware - Christchurch

<b>Date of Registration of Application</b>	20 April 2017
<b>Target Determination Date</b>	20 July 2017
<b>Reason for Committee Report</b>	Major planning application
<b>Case officer</b>	Luke Ashley

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

#### **1.0 Summary**

- 1.1 Planning permission was granted in May 2015 under 3/15/0964/FUL for the demolition of the existing coachworks buildings and redevelopment to provide a four storey 72 bed care home (use class C2), car parking, landscaping and other associated works at Leaside Depot a former coachworks. The development is under construction.
- 1.2 This application proposes the creation of a third floor orangery on part the previously proposed open roof terrace. The remaining part of the open roof terrace would be retained. Alterations are also proposed in regard to the window placement with minor alterations to the proposed fenestration on the northwest and southwest elevations.
- 1.3 The external appearance of the third floor orangery and elevational alterations are considered to be satisfactory and there no material additional impact on adjoining residential properties by reason of overlooking.

## **2.0 Site Description**

2.1 The application relates to a large four storey 72 bed care home which is under construction on the south side of Widbury Hill. Existing residential development is located in Widbury Gardens directly opposite to the north and in Plaxton Way to the east. To the south is an area of open space.

## **3.0 Background to Proposals**

3.1 Planning permission was granted in May 2015 under 3/15/0964/FUL for demolition of the existing buildings and redevelopment to provide a care home (use class C2), car parking, landscaping and other associated works.

3.2 The report to DM Committee on 22<sup>nd</sup> July 2015 is attached as ERP 1.

3.3 The approved plans proposed an open roof terrace in the central part of the third floor to provide a sitting out area for residents. This application seeks an amendment the approved drawings to provide an orangery on the third floor within the area formerly proposed as a roof terrace.

3.4 Minor alterations are also proposed to the fenestration on the northwest and southwest elevations. No additional units are proposed.

## **4.0 Key Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007 and the emerging District Plan. There is no Neighbourhood Plan either in place or in draft for Ware:

<b>Key Issue</b>	<b>NPPF</b>	<b>Local Plan</b>	<b>Pre-Submission District Plan</b>
Design, Scale and Layout	Section 7	ENV1,	DES3
Neighbour impact		ENV1	DES3

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

## **5.0 Emerging District Plan**

5.1 The District Plan has been submitted to the Secretary of State for examination. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the Plan has yet to be examined.

## **6.0 Summary of Consultee Responses**

6.1 HCC Highway Authority does not wish to restrict the grant of permission.

6.2 EHDC Environmental Health Advisor does not wish to restrict the grant of permission.

## **7.0 Town Council Representations**

7.1 Ware Town Council has no objection to the proposal.

## **8.0 Summary of Other Representations**

8.1 The application has been advertised by neighbour consultation, press notice and a site notice. A joint response has been received from the occupiers of Nos. 1, 2, 4 and 6 Marconi Court, Plaxton Way objecting to the proposal on grounds summarised as:

- The proposed orangery will provide residents with direct views into windows in Marconi Court resulting in loss of privacy

## **9.0 Planning History**

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision	Date
3/15/0964/FUL	Demolition of the existing buildings and redevelopment to provide a care home (use class C2), car parking, landscaping and other	Approved	June 2015

	associated works at Leaside Depot		
3/15/0243/FUL	Temporary construction access	Approved	March 2015
3/14/0914/FP	Demolition of the existing buildings and redevelopment to provide a care home (Use Class C2), car parking, landscaping	Approved	February 2015
3/88/0508/OP	Redevelopment of this and the adjoining site for a mixed use commercial and residential development	Refused	November 2008. Appeal allowed July 2009

## **10.0 Consideration of Relevant Issues**

- 10.1 The principle of the development of the site by the erection of a nursing home was established by the grant of planning permission ref: 3/15/0964/FUL.
- 10.2 The main issues raised by this application relate to the design of the addition to the roof and the impact of the orangery on the residential amenities of the occupiers of surrounding residential properties.

### Design

- 10.3 The proposed additional development at fourth floor level would be accommodated on what was previously proposed to be an open roof terrace. The area is set between outer parts of the building that rise to four storeys. It is therefore considered that the addition would not compromise the overall form or architectural merit of the building.
- 10.4 Minor alterations are proposed to the window arrangement with an extension to a ground floor window on the south west elevation and the provision of a glazed section lighting a corridor on all floors on the north west elevation. These alterations are considered to be satisfactory.

### Neighbour amenity

- 10.5 It is noted that residents of Marconi Court object to the introduction of the orangery on the grounds that residents of the nursing home would be able to look out into private rooms of neighbouring dwellings.

- 10.6 The glazed front of the proposed orangery on the third floor southeast elevation of the building would be set in 3.3m from the edge of the flat roof. The area between the orangery and the edge of the roof would remain as an open roof terrace as previously proposed with a glazed screen across the roof edge. The south elevation of Marconi Court is sited approximately 25m away from the front elevation of the orangery at an oblique angle. The orangery would be set into the central part of the building and views towards Marconi Court would be protected by the four storey north corner of the build that projects further forwards. As with the approved scheme (paragraph 7.19 of report to DM Committee on 22<sup>nd</sup> July 2015) it is considered that the only potential overlooking impact would be on the rear garden of No.42 Plaxton Way sited 22m away. In consideration of the previous application the impact of the roof terrace on that property was considered to be acceptable. With the front of the orangery being set back from the edge of the roof terrace it is considered that the impact remains unaltered and satisfactory.
- 10.7 It is considered that the proposed additional development and alterations to fenestration would not materially further impact on neighbour amenity.

## **11.0 Conclusion**

- 11.1 The application is considered to be acceptable and it is recommended for approval.
- 11.2 It is necessary to ensure that the conditions that were applied to the original permission are re-imposed such that the amended development proceeds in accordance with those conditions. In this case some of the original conditions requiring the submission of details have already been discharged and recommended condition 1 secures compliance with the approved details.

## **Conditions**

1. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice and the conditional details approved under application reference: 3/15/0964/FUL.  
Reason  
To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

2. Prior to the first occupation of any dwellings hereby approved, details of all boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be erected and retained in accordance with the approved details.

Reason

In the interests of privacy and good design, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason

To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and national guidance in section 7 of the National Planning Policy Framework.

4. No plant or machinery shall be operated on the premises in connection with the use hereby permitted before 0730hrs on Monday to Saturday, nor after 1800hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason

To safeguard the amenities of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

5. Prior to the first occupation of the development hereby permitted, spaces shall be provided within the application site for the parking of cars as shown on the plans accompanying the application and such spaces shall be retained at all times for use in connection with the development hereby permitted.

Reason

To ensure adequate off street parking provision for the development, in the interests of highway safety, in accordance with policy TR7 and Appendix II of the East Herts Local Plan Second Review April 2007.

6. Prior to the use of the development hereby permitted a Green Travel Plan shall be drawn up by the occupiers of the new building and approved in writing by the Local Planning Authority; such plans to include proposals for all travel by modes other than the private car for journeys to and from site.

Reason

To promote the use of non car modes of transport in accordance with national guidance in section 4 of the National Planning Policy Framework and policy TR4 of East Herts Local Plan Second Review April 2007.

7. The development shall be carried out in accordance with the details given within the Flood Risk Assessment, April 2014 and in particular the finish floor levels shall be set no lower than 31.94 metres above Ordnance Datum (AOD).

Reason

To reduce the risk of flooding in accordance with Policy ENV19 of the East Herts Local Plan Second Review April 2007.

**Informatives:**

1. Groundwater protection zone (28GP) (Musley Lane)
2. Other legislation (01OL)

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; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.