

3/14/0607/FP – 2 and 3 storey hotel with restaurant, parking, replacement Herts CC Youth Connexions Centre, workshop and fenced recreational areas with revised access from Marsh Lane at land at the junction of Viaduct Road and Marsh Lane, Ware, Herts for Premier Inn Hotels Ltd

Date of Receipt: 04.04.2014

Type: Full – Major

Parish: WARE

Ward: WARE – CHADWELL

RECOMMENDATION

That, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

- £55,500 towards enhanced pedestrian links to the town and other relevant sustainable transport measures

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Approved plans (2E103) (Drawing nos. 1232_03J rev J, 1232_04 rev F, 1232_05E rev E, 1232_07, 1232_08, 1232_09, 1232_99A rev A, 12049:SK02A, 12049:SK04, JBA 14/15-01 rev D)
3. Notwithstanding the information shown on the approved plans and application form, prior to any building works being commenced samples of the external materials of construction for the restaurant and hotel hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason

In the interests of the appearance of the development having regard to the proximity of the site to the Ware Conservation Area, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

4. Notwithstanding the information shown on the approved plans, prior to any building works being commenced details of the windows, roof eaves and external doors for the restaurant and hotel hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the

approved materials.

Reason

In the interests of the appearance of the development having regard to the proximity of the site to the Ware Conservation Area, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

5. Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) a detailed car parking layout based on the indicative plan submitted on 9 July 2014 (b) Other vehicle and pedestrian access and circulation areas (c) Hard surfacing materials (d) Minor artefacts and structures (e.g. cycle storage bays, furniture, play equipment, refuse or other storage units, signs, lighting) (d) Retained historic landscape features and proposals for restoration, where relevant (e) Planting plans (f) Written specifications (including cultivation and other operations associated with plant and grass establishment) (g) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (h) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason

To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

6. Landscape works implementation (4P135)
7. Tree retention and protection (4P055)
8. The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment ("Flood Risk Assessment for Proposed Development at Marsh Lane, Ware" reference GC/12049//FRA) and the compensatory flood storage measures detailed within the assessment.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed in writing by the Local Planning Authority

Reason

To prevent flooding of the site and surrounding areas by ensuring that compensatory storage of flood water is provided, in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

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9. Before commencement of the development, the new access serving the development shall be completed in accordance with the approved in principle plans, and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason

To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience.

10. Concurrent with the construction of the access, a visibility splay of 2.4 metres x 60m to the nearside kerb to the east and 2.4 metres X 43m to the west for an approaching vehicle on the nearside kerb shall be provided and permanently maintained, within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.

Reason

To provide adequate visibility for drivers entering or leaving the site.

11. Any existing access not incorporated in the approved plan shall be permanently closed to the satisfaction of the Highway Authority.

Reason

In the interest of highway safety and to avoid inconvenience to highway users.

12. No part of the development hereby permitted shall be occupied prior to implementation of a detailed Delivery and Servicing Plan which shall first be submitted to, and approved in writing by, the Local Planning Authority.

Reason

In the interests of highway safety and amenity

13. Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. All parking of construction vehicles shall thereafter be carried out in accordance with the approved details.

Reason

In the interests of highway safety and amenity

14. Prior to the commencement of any works a Construction Traffic Management Plan which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway shall be submitted to and approved in writing with the Local Planning Authority in consultation with Hertfordshire County Council Highway Authority together with proposals to control and manage construction traffic using

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the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority in consultation with the Highway Authority.

Reason

To promote sustainable transport measures to the development, in accordance with policy TR4 of the East Herts Local Plan Second Review April 2007.

15. No part of the development hereby permitted shall be occupied prior to implementation a detailed Delivery and Servicing Plan shall be submitted, approved and signed off by the Local Planning Authority in consultation with the Highway Authority.

Reason

To promote sustainable transport measures to the development, in accordance with policy TR4 of the East Herts Local Plan Second Review April 2007.

16. No part of the development hereby permitted shall be occupied prior to implementation a detailed Car Park Management Plan shall be submitted, approved and signed off by the Local Planning Authority in consultation with the Highway Authority.

Reason

To promote sustainable transport measures to the development, in accordance with policy TR4 of the East Herts Local Plan Second Review April 2007.

17. Prior to the commencement of the construction of the first building hereby permitted an Interim Travel Plan shall be submitted, approved and signed off by the Local Planning Authority in consultation with the Highway Authority, such a Travel Plan shall accord with Hertfordshire County Council document 'Hertfordshire Green Travel Plan Guidance'.

No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan referred to in Part A of this condition above. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan referred to in Part A of this condition shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be

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implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason

To promote sustainable transport measures to the development, in accordance with policy TR4 of the East Herts Local Plan Second Review April 2007.

18. Before any works commence on site, an ecological survey of the application site for badgers shall be carried out and details including an assessment of the impact of the proposed development and any appropriate measures to alleviate such impact, shall be submitted concurrently with the submission of site layout drawings, for the written approval of the Local Planning Authority. The survey should include written permission for the data contained within to be entered onto the database maintained by the Hertfordshire Biological Records Centre.

Reason

To enable proper consideration of the effect of the development on the contribution of nature conservation interests to the amenity of the area, in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL1)
2. Groundwater protection zone (28GP1; Musley Lane)
3. The applicant is advised that in order to comply with the conditions on this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the associated off-site highway improvements. The applicant is advised to contact Highways, County Hall, Pegs Lane, Hertford, SG13 8DN (Telephone: 0300 123 4047) to obtain the requirements on the procedure to enter into the necessary agreement with the highway authority prior to commencement of construction of the vehicle access.
4. Asbestos (34AS1)
5. Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods

should burning be permitted.

6. Dust from operations on the site should be minimised by spraying with water or carrying out of other such works that may be necessary to suppress dust. Visual monitoring of dust is to be carried out continuously and Best Practical Means should be used at all times. The applicant is advised to consider “The control of dust and emissions from construction and demolition Best Practice Guidance” produced in partnership by the Greater London Authority and London Councils.
7. You are advised that a precautionary approach should be taken during development to reduce the risk of harm to any hedgehogs or any other protected species that may be present on site.
8. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. In connection with all site demolition, site preparation and construction works, no noisy working shall be carried out on the premises outside the following hours: 0730 to 1830 Monday to Friday, 0730 to 1300 on Saturdays and at no time on Sundays or bank holidays.
9. If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority.

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 pre-application advice given and amendments made is that permission should be granted.

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1.0 Background

- 1.1 The site is shown on the attached Ordnance Survey plan.
- 1.2 Members will recall that the planning application was reported to the

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Committee on 23rd July 2014. Members deferred the application to enable further consideration with respect to the provision of a pitched roof and amendments to the facade of the proposed hotel.

- 1.3 The applicant has sought to address this concern through the provision of amended plans which have been the subject of public consultation. The plans now proposed incorporate a pitched roof to the hotel, as well as minor changes to the elevations of the hotel and restaurant building and a revised palette of external materials.
- 1.4 The previous Officer Committee Report is attached as Essential Reference Paper A.

2.0 Site History

2.1 The relevant planning history for the site is as follows:-

- 3/83/0884/OP – Light industrial/warehouse use – Refused August 1983
- 3/84/0404/FP – Change of use from agriculture to sports and leisure; Erection of sports hall – Approved July 1984
- 3/86/1586/FP – Change of use to light industrial – Withdrawn
- 3/89/1994/FN – Landscaping works, information centre and footpaths – Approved January 1990
- 3/91/1648/CC – Two mobile units for additional accommodation and storage – Permission not required December 1991 (Day centre)
- 3/94/1166/OP – Mixed industrial development – Refused November 1994 – Appeal dismissed April 1995
- 3/94/1711/FN – Renewal of 89/1994 – Approved April 1996
- 3/00/1315/CC – Retention of two mobile units for storage and accommodation – Approved August 2000 (Day centre)
- 3/05/1759/FP – Thames Water development – Approved October 2005
- 3/06/0601/FP – Revisions to 05/1759 – Approved May 2006
- 3/09/0897/CC – Demolition of existing buildings and installation of modular building – Approved July 2009 (Day centre)
- 3/10/0018/CM – Change of use to waste recycling site with new building, storage works and associated development – Refused by County Council
- 3/10/0819/CM – Change of use to waste recycling site with new building, storage works and associated development – Refused by County Council

3.0 Consultation Responses

- 3.1 The County Council's Highways section has recommended additional conditions, but otherwise notes that the proposed development "is unlikely to generate significant adverse effects on the highway network".
- 3.2 The Council's Landscape officer has recommended refusal on the grounds that the development fails to make adequate provision for soft landscaping within the site. The proposed landscaping only utilizes awkward, left over space not large enough to provide parking. He recommends a reduction in parking to achieve a better balance.
- 3.3 Any further representations received in response to the amended plans will be reported to Members prior to the Committee.

4.0 Town Council Representations

- 4.1 Ware Town Council has not commented on the revised plans at the time of this report, although it is understood that a meeting has been held to present the revisions.
- 4.2 Any further representations received in response to the amended plans will be reported to Members prior to the Committee.

5.0 Other Representations

- 5.1 The amended plans application has been re-advertised by site notice.
- 5.2 The Ware Society has commented that the revised design now reflects the character of a number of other historic features of buildings in Ware, and would be a more appropriate gateway to the town from the south.

6.0 Considerations

- 6.1 The main consideration relates to whether now, given the revised roof and detailed appearance of the hotel and restaurant, the balance of the weight that can be assigned to all the material issues is positive and planning permission can be approved.

Revisions to roof, detailed appearance and materials

- 6.2 In assessing the original proposals for the site, Members expressed concern that the proposed flat roof was not appropriate for a large building in this prominent location. In addition, Members wished to see

improvements to the façade of the building.

6.3 Following the deferral by Members. Officers have discussed possible revisions to the proposed development with the applicant at some length. Following the negotiations, the following revisions are proposed from the originally submitted application:

- The addition of a pitched roof over the area of building comprising the hotel, with a varied ridgeline to prevent an overly bulky roof form.
- The addition of a timber-clad gable feature to the north end of the building, facing towards the town centre, making a feature of this elevation
- The use of yellow brick to tie in with historic buildings within the town, including a number of former maltings buildings
- The use of black-painted timber cladding to complement the dark tiles to the pitched roof and contrast with the white render and light yellow bricks

6.4 Officers consider that the revised design would be acceptable in this location. The materials proposed would be sympathetic to local character, with the use of yellow bricks and timber cladding as a reference to historic maltings buildings. A request for natural slate has been made by Officers, but resisted by the applicant. Samples of materials will need to be agreed by the suggested conditions.

6.5 The introduction of a pitched roof across the whole footprint of the building would improve the appearance of the development in terms of its compatibility with local character.

Other considerations

6.6 The Landscape Officer's comments are noted. Officers do not have any further comments beyond those raised in the relevant section of the original report, at paragraphs 7.24 to 7.34.

7.0 Conclusion

7.1 For the reasons set out above, the revised design of the development is considered to be appropriate, having regard to the prominent siting of the proposed development. Officers consider that the applicants have

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responded positively to the Committee's deferred request for reconsideration. All other matters in relation to this application are acceptable, having regard to the reasons set out in full in the previous report (Essential Reference Paper A). Officers therefore recommend that planning permission is granted, subject to the signing of a Section 106 legal agreement and planning conditions.