

3/09/1728/FP - Demolition of existing police station buildings and construction of new mixed use development comprising 90 residential flats, 36 houses, 80 bed hotel, 60 bed nursing home, 2 retail units and nursery, together with underground and off street parking for 258 cars and 107 cycle spaces at Hertford Police Station, Ware Road, Hertford, Herts, SG13 7HD for ZBV and Hertfordshire Police Authority.

Date of Receipt: 28.10.2009

Type: Full - Major

Parish: HERTFORD

Ward: HERTFORD - KINGSMEAD

RECOMMENDATION:

That planning permission be **REFUSED** for the following reason:

1. The applicant has failed to prove that there are no sequentially more suitable sites in Hertford or Ware likely to be capable of meeting the same requirements, in respect of the hotel use, as the application is intended to meet. The proposal does not therefore meet the tests of national planning policy in PPS4 and is contrary to Policy STC6 of the adopted East Herts Local Plan Second Review April 2007.

_____ (172809FP.LP)

1.0 Background:

- 1.1 The application site is located to the east of Hertford town centre, as shown on the attached OS extract. The site is bounded to the north by Ware Road (A119); to the south by Stanstead Road (B1502); to the east by the rear gardens of properties on Burleigh Road; to the south-east by Wheatcroft Primary School and Kingsmead Nursery School; and to the west by a Community Day Centre.
- 1.2 The site comprises a parcel of land of approximately 1.9 hectares in area with a 160 metre frontage onto Ware Road and 95 metres frontage onto Stanstead Road. The site currently contains the main 4 storey former Police Station building and other associated police accommodation, garaging and amenity buildings, a vehicle repair and maintenance building and a 3 bed dwelling to the north east corner. The majority of the rest of the site is occupied by hard standing for car parking. The site falls generally from east to west with a more significant rise in levels between the southern boundary of the site and the ground

level of the houses on the other side of Stanstead Road. The existing primary vehicular access is located on Stanstead Road (shared with Wheatcroft School) with another existing access onto Ware Road. The site contains existing landscaping and hedges, particularly around the boundaries.

- 1.3 The surrounding area is characterised predominantly by residential properties being two storey in height and a variety of detached and semi detached. The School and nursery and community day centre lie on adjoining land. A number of modest commercial units lie to the south of the site on Stanstead Road.
- 1.4 The application proposes to demolish all the buildings on the site and to redevelop the site for a mixed use development incorporating 90 residential flats, 36 houses, an 80 bed hotel, a 60 bed nursing home, 2 retail units and a children's nursery, together with underground and off street parking for 258 cars and 107 cycle spaces.

2.0 Site History:

- 2.1 Members may recall a previous mixed use application for this site being presented to Committee on 11th February 2009 for an 80 bed hotel with a 495sqm retail unit at ground floor, an 80 bed nursing home, a 2200sqm Primary Care Trust medical Centre and 133 residential units with 274 car parking spaces provided in the form of below ground, surface level and garage provision. This was refused on the following reasons:
 1. The applicant has failed to prove the need for the retail store and hotel at this site; that there are no sequentially more suitable sites; or that the proposal would not result in unacceptable impacts on the existing town centre. The proposal does not therefore meet the tests of national planning guidance in PPS6 and is contrary to Policy STC6 of the adopted East Herts Local Plan Second Review April 2007.
 2. The proposed buildings, by reason of their siting, height, form, design, scale and massing fail to respond to the context of the site; the pattern of local development; or to reflect local distinctive qualities. As such, the proposal would be harmful to the character and appearance of the site and its surroundings. Inadequate provisions are also made for open space; protection of existing and provision of new landscaping; and public routes through the site are poorly overlooked and unattractive to users. The proposal is therefore contrary to policies ENV1, ENV2, ENV3 and LRC3 of the

East Herts Local Plan Second review April 2007 and national guidance in PPS1.

3. The application fails to satisfactorily demonstrate the site's impact upon highway safety, capacity and free flow of traffic and fails to demonstrate satisfactory measures to adequately off-set the highways impact of the development. Traffic arising from the proposed development would therefore be likely to interfere with the free and safe flow of traffic, be detrimental to highway safety, and the environment and amenity of nearby residential areas.
4. The application provides inadequate provision for space within the site for the parking of vehicles clear of the highway, and if permitted would be likely to lead to additional on-street parking to the detriment of public and highway safety.
5. The proposal fails to make adequate financial provision for highways and other infrastructure improvements to support the proposed development, and it is unclear that adequate provision would be made for affordable housing. It would thereby be contrary to the provisions of policies IMP1 and HSG3 of the East Herts Local Plan Second Review April 2007.

3.0 Consultation Responses:

- 3.1 County Highways have commented that based on the free flow and safe flow of traffic on the public highway that they recommend permission be granted subject to conditions and S106 requirements. They do provide comments on different aspects of the proposal as follows:-

Trip Generation / Distribution / Growth

The trip rate assessment and growth methodology is appropriate.

Cycle Parking

They comment that cycle parking should be considered for the housing element of the site which will become more essential when considering the minimal car parking provision. However raise no adverse comments overall but recommended a condition that cycle parking is agreed prior to commencement.

Internal Site Layout

Highways comment that internal road widths from Stanstead Road to Block D are 6m wide, this width is necessary to allow for the perpendicular parking proposed allowing vehicles to manoeuvre. Plans

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initially submitted with the application indicated a road width of 4.1m from Block D and concerns were raised that the combination of minimal parking provision and minimal road widths would lead to access issues for service and emergency vehicle. The applicant has subsequently carried out track runs on this access road and widened the proposed width to 4.8m, in combination with proposed coloured surfacing to discourage parking near corners (this is required as a vehicle parked on the coloured area may prevent access for a service/emergency vehicle). These changes provide more space for access and will allow a service / emergency vehicle to pass a vehicle if it is parked outside of a designated bay along certain areas of the access road, although it is still very tight. Widening the access road width to give more leeway would reduce the landscaping area. As this is an internal site issue (the internal roads of this site would not be adopted), which will not affect the free and safe flow of traffic on the public highway, the Highway Authority does not object to this layout.

The initial access from Ware Road appears to be 4.8m narrowing to 4.1m. A one way system is proposed for the loop around the market houses. Plans initially submitted with the application indicated a road width of 4.1m around the one way system and concerns were raised that when considering the perpendicular parking for the market houses, manoeuvring will be difficult if not impossible. The applicant has subsequently carried out track runs on this one way system and widened the proposed width to 5.25m. Whilst the track runs show that a large car can now manoeuvre out of the spaces, the vehicle has to carry out a slight shuffle to achieve this. Ideally a width of 6.0m is the preferred standard for perpendicular parking and allows a much easier turning manoeuvre, however widening the access road width to this would reduce the landscaping area in the centre of the loop. As this is an internal site issue (the internal roads of this site would not be adopted), which will not affect the free and safe flow of traffic on the public highway, the Highway Authority does not object to this layout.

Site Access

They comment that whilst the analysis for the Ware Road junction may show limited queue and delay, any vehicle turning right will cause some delay and queuing which does not currently exist. It is noted from the modelling output that the results show no queue at all for these manoeuvres, however considering the flow that occurs along Ware Road, it is not accepted that vehicles waiting to turn right in to the site will not have to wait. Whilst the individual models may show no queues, the modelling is not capable of considering the interaction of the new access and the existing roundabout, all of which will have an effect on each other. To mitigate the impact of any new right turn queues at this

location the applicant has agreed planning obligations to provide for sustainable transport, improvements to bus stops and a green travel plan.

Ware Road is a busy main route which suffers from peak hour congestion, the introduction of new access and turning movements along this route should ideally be avoided. However the applicant has stated they wish for this access to be included in the application and it is understood the school wished to reduce the amount of traffic using the Stanstead Road access. When considering the character of Ware Road with numerous junctions and private dwelling accesses I do not feel a recommendation of refusal on principle of access alone would be reasonable. Appropriate visibility sight lines are achievable and should be conditioned.

Off Site Highway Impact

The Transport Assessment (TA) has assessed the Stanstead Road / Ware Road roundabout and states that modelling the roundabout with dimensions taken from site gives a longer queue length than what was actually observed. Therefore the dimensions of the roundabout have been artificially increased to give results in line with those observed. Even though the Highway Authority does not agree with the modelling methodology used in the TA, the plans used to assess the roundabout have been checked and further model validation/sensitivity checks have been carried out directly by the Highway Authority. Due to the complexity of the roundabout it is difficult to directly model, although a number of tests have been carried out to find a range of implications that this development could have on the highway network. The Highway Authority model appears to validate better in the AM peak and the Applicant model in the PM peak.

Using the Highway Authority modelling –

In the am peak between now and 2011 due to background growth alone without the proposed development, queuing could rise along Ware Road westbound by an average of 7 vehicles. By comparison with background growth and the development this could rise to an additional 21 vehicles. The development adding around 13 vehicles. In the pm peak between now and 2011 due to background growth alone without the proposed development, queuing could rise along Ware Road eastbound by an average of 8 vehicles. By comparison with background growth and the development this could rise to an additional 22 vehicles. The development adding around 14 vehicles.

Using the Applicant modelling –

In the am peak background growth or the development have no impact on the highway network. In the pm peak background growth increases queues by 3 vehicles and background growth with the development increases queues by 7 vehicles. To mitigate the impact of this extra traffic and congestion the applicant has agreed planning obligations to provide for sustainable transport, improvements to bus stops and a green travel plan.

Servicing

A service lay-bay is proposed along Stanstead Road to avoid providing space on site for vehicles associated with the retail unit and hotel. This however coincides with a current bus stop location. The applicant has subsequently proposed a revised bus stop location which is agreed with the Passenger Transport Unit. There is considerable demand for parking from current residents around this area and unless the bay is promoted with a loading only restriction it is likely that it will be used making it unavailable for deliveries. As part of the s278 agreement to construct offsite works a Traffic Regulation Order should be promoted to ensure the bay is used for loading only. The widened internal road widths now allow for service vehicles to enter the site so that local deliveries can be made to residents clear of the public highway. Even though servicing should ideally take place on site it is not unusual for service bays to be located on the public highway. In this case, with a restriction for loading only and appropriate enforcement to ensure vehicles do not illegally park there, the proposal should not interfere with the safe and free flow of traffic on the public highway.

Sustainable Transport Accessibility

Bus - There are 6 bus stops within 400m of the site, 4 on Ware Road, 2 on Stanstead Road. One of the stops on Ware Road has a shelter, one has Kassel kerbs. Ware Road is the main route for bus services coming out from/going to Hertford bus station and therefore there are a significant number of routes available and possible destinations, although a number of services are only 1-2 hourly and there are few Sunday services. The pair of stops on Ware Road west of the junction with Stanstead Road have both been upgraded with Kassel kerbs, and whilst the developer identifies a lack of shelters at three of the bus stops in the vicinity of the site, there may be limited scope for such provision at certain stops. Upgrading of the Stanstead Road stops with Kassel kerbs however would be beneficial.

Rail - Hertford East station is approximately 0.87 miles away. However journey time to London is relatively slow at 55 minutes as services call at all stations.

Residential Travel Plan - Improvements have been made to the residential travel plan from that submitted with the previous application, however the plan as presented is still not acceptable. It is recommended that a finalised travel plan is provided as part of a planning obligation 3 months prior to commencement of the development.

Highways have also commented specifically in respect of the breakdown of the parking requirements for each different element of the proposal. They find the hotel parking numbers acceptable but note a shortfall of 1 space for the retail and nursery shared parking, and raise concerns with the nursing home commenting that '15 spaces are provided (previously 16 spaces for residents, 4 for staff) – Previously the applicant's consultant stated that the 20 spaces will be used for staff and visitors and it is likely to be 8 staff on site and 12 spaces for visitors, it is not clear how 15 spaces will work'.

In terms of the residential element (Blocks C & D and the Ware Road units) they had initially provided a breakdown of potential car ownership for the initial tenure mix and calculated that a total of 111 parking spaces are required, commenting that the 112 spaces proposed will cover the 111 space demand calculated above but that this calculation does not allow for allocated spaces and visitor demand. The TA states that flats will be allocated parking by the management company (paragraph 5.15). DCLG guidance on residential car parking indicates that additional parking is required when spaces are allocated. Parking should be unallocated so that additional demand is not created. (The tenure mix has subsequently changed however which will put additional pressures on parking as discussed in the considerations).

In relation to the Market houses they comment that each 4 bed house has 2 spaces, 1 allocated and 1 on street, 24 units, 48 Spaces.

Overall they comment that parking has been increased to provide the operational minimums as suggested in the previous highway authority response for all of the elements except the nursing home. They do comment however that there is still a shortfall (although reduced number) in overall parking. Furthermore, they comment that the internal layout is still very tight and the combination of minimal parking provision and minimal road widths allows little tolerance for inconsiderate parking or additional parking demand.

- 3.2 The Environment Agency have commented that the application should only be granted if conditions are imposed for the following; surface water drainage based on sustainable drainage principles; disposal of foul and surface water; a risk assessment in terms of land

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contamination; and piling and foundation issues.

- 3.3 The County Planning Obligation unit have commented stating that they seek financial contributions towards primary, secondary and nursery education, and youth, childcare and library services. They also state that fire hydrant provision is required.
- 3.4 The County Historic Unit have commented that any permission shall include conditions to secure an archaeological evaluation of the proposed development site before any development commences.
- 3.5 The Council's Planning Policy Section have commented that the principle of a mixed use would be preferable but note that a mixed use site should provide something that ensures the development is sustainable and should not include a mixture of uses for the sake of calling it a mixed use development. They question whether there is an economic and physical need for the uses suggested for this site and if there is, have full sequential tests been undertaken to ascertain whether there are more sequentially preferable sites in the town centre of Hertford and Ware.

They also provide comments on Planning Policy Statement 4 and note that the hotel aspect of this development may cause some conflicts. They go on to question if there is a need for an 80 bed hotel to serve tourists and visitors in Hertford then this would be better located nearer to the town centre of Hertford itself and indeed has there been an economic assessment as to how many bed spaces are needed. Whilst there may be a need for the cheaper branded hotel option rather than boutique, more expensive style hotel is there a demand for 80 beds?

In respect of the retail element they consider these would provide local shops or services for the immediate surroundings and would be likely to have no significant impact on the centres of Hertford or Ware.

In respect of the proposed nursery, they question whether it would be more appropriate to fulfil the needs or expand the provision of the existing nursery as part of comprehensive redevelopment of the entire school site rather than just building a new nursery behind the existing one. The development will result in a need for nursery and primary education and they would like to see evidence of dialogue between the developers, the County Council and the existing nursery and primary school adjacent to the site regarding how best to provide for this need.

They also make some comments on car parking and traffic implications, design, affordable housing, sustainability and planning obligations

which are discussed in detail later in this report.

- 3.6 Hertfordshire Biological Records Centre have assessed the submitted Ecological Survey Report and recommend that any planning permission should include a number of conditions to ensure the potential impacts of the development on bats, reptiles and breeding and nesting birds are addressed.
- 3.7 Thames Water have commented that they have no objection to the planning application in terms of sewerage infrastructure.
- 3.8 Hertfordshire Fire and Rescue have responded stating that a fire hydrant should be provided within 60 metres of any Fire Service access points to any proposed building.
- 3.9 The Hertfordshire Constabulary Architectural Liaison Officer have not commented on this proposal but it is noted that on the previous scheme they responded with no objections to the proposal but comment that they would wish to see the development built to a 'Secured by Design' level.
- 3.10 The Councils Environmental Health Section have recommended that any permission should include a number of conditions relating to noise, construction hours of working and soil decontamination.
- 3.11 The Council's Arboricultural and Landscape Officers have commented that in terms of the perimeter landscape treatment and the interface with existing street scenes, the visual impact of the development upon Ware Road to the east of the access road and upon Stanstead Road is acceptable and the proposed boundary hedge is a good idea and will give a sense of unity and form. In terms of the internal landscape arrangement and layout they comment that the soft landscaped area in front of the nursing home (Block B) has the potential to provide an attractive setting for the main entrance to this building and its eastern façade, although at only 7.5 metres wide this strip offers limited scope for planting large trees. The plan shows some indicative tree planting in the parking area, but there is not sufficient space given within parking spaces to accommodate trees of any meaningful size.

The soft landscaped area in front of Block C similarly has the potential to offer a reasonably attractive setting to the entrance to this building. The amount of tree planting shown here is also not viable in the long term and it would be better to plant one tree of a species likely to achieve the expected size for the species type, and planted where it is not likely to become inconvenient for the location. There is not much in

the way of space for soft landscaping along the north frontage of Block D but a simple hedge would certainly contribute by providing a soft landscape feature and again providing a unifying visual composition to the overall development.

The area between the Block A and Block D is shown as a landscaped area but they are unsure whether this location is suitable for a formal children's play area. It is good to see the existing trees accommodated within the parking area. The sustained use of hedge planting again helps to act as a visual link giving a sense of coherence to the overall development.

They conclude that there are some positive aspects to the site planning and layout of this revised scheme which have been acknowledged above. They are still concerned however with the quantity of amenity green space provision but consider that if the quality of the external and landscaped space between buildings (which includes roads and other hard surfaces) is given sufficient emphasis in terms of attention to design details and specification of materials (plants trees and hedging as well as hard surfaces, fencing etc.) then an attractive and environmentally responsible development could be realised here.

- 3.12 The Councils Health and Housing Section state that 40% shall be as affordable housing and 15% as lifetime homes.

4.0 Town Council Representations:

- 4.1 Hertford Town Council state that 'this application showed no consideration to address the Committee's comments to the previous application earlier this year; there were issues regarding the infrastructure of the site and surrounding areas; adequate vehicle ingress and egress from the site, school safety, child protection, on street parking and the condition of existing roads around the site. For both developer and the Police to make such an inappropriate application at this time, when the County Council Education Department, and the Police Authority themselves, are currently attempting to find ways to expand the capacity of the only school left on Kingsmead Ward defies logic.
- 4.2 A major benefit would be to provide some at present publicly owned land to develop the Wheatcroft School comfortably. The straight forward thinking public will never be persuaded that that is impossible; nor that 'not to do so' is right. There is also no consideration for amenity open space in the area. The whole site historically, for well over 100 years, has been in public ownership for community use and benefit.

The finest benefit the community in 2009 could have from this site is public open space. To lose the present openness would be to lose that last 'central' non-pocket handkerchief open space in Kingsmead Ward.

- 4.3 There are already 67 hotel bedrooms in the proximity of the Town Centre, with 42 in Hertingfordbury, with 109 hotel beds plus bed and breakfasts, this challenges the proposed 80 bedroom hotel. The Committee urges the Planning Authority to turn down this application because of loss of open space, horrifying traffic implications, no substantial demonstration of need for most of the uses proposed, and because Wheatcroft and other local schools could not cater for the additional children.'

5.0 Other Representations:

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 92 letters of representation (with 8 additional follow up letters to the amendment during the application process) have been received raising comments which can be summarised as follows:
- No real change from previous refused scheme
 - No need for retail aspect. Will have a negative impact to existing nearby shop
 - No need demonstrated for hotel or nursing home
 - Hotel is out of character with residential area
 - Dangerous access for vehicles and pedestrians and an adverse impact to surrounding roads. Will create traffic congestion.
 - Insufficient car parking provision at the site and will create on street parking to nearby roads
 - Visual impact on area from scale and mass of development
 - Overlooking, overshadowing and loss of light to nearby properties
 - Scale and height is out of keeping
 - Overdevelopment of site and density too high
 - Flooding concerns
 - Lack of provision for open space and landscaping provided
 - Noise and atmospheric pollution
 - Negative impact on infrastructure (sewerage, drainage, water supply electricity and gas)
 - Nearby schools already at full capacity
 - Safety concerns to nearby school
 - Loss of open space
 - Structural damage to nearby properties

- Existing land contamination

6.0 Policy:

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

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
SD3	Renewable Energy
HSG1	Assessment of Sites not Allocated in this Plan
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
EDE2	Loss of Employment Sites
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Traffic Assessments
TR4	Travel Plans
TR7	Car Parking – Standards
TR13	Cycling – Facilities Provision (Non-Residential)
TR14	Cycling – Facilities Provision (Residential)
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV4	Access for Disabled People
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
ENV25	Noise Sensitive Development
ENV27	Air Quality
STC6	Out-of-Centre and Out-of-Town retailing
LRC3	Recreational Requirements in New Residential developments
LRC10	Tourism

6.2 In addition to the above it is considered that Planning Policy Statement 1, (Delivering Sustainable Development), Planning Policy Statement 3 (Housing), Planning Policy Statement 4 (Planning for Sustainable Economic Growth), and Planning Policy Guidance 13 (Transport) are considerations within this application.

7.0 Considerations:

7.1 The main considerations in the determination of this application relate to:

- The principle of a mixed use development at the site
- The appropriateness of the size, scale and chosen design
- Impact upon neighbour's and future occupiers amenity
- Landscape and ecological considerations
- Highway implications and,
- Other matters

7.2 Before looking at the above points I will outline the changes to this scheme from the refused application.

- Flats reduced from 94 to 90, houses reduced from 39 to 36
- Height reduced on Blocks C and D
- Primary Care Trust building omitted
- Roof reconfigured on Blocks A, B, C and D
- Ware Road houses height reduced by a floor and reoriented to face Ware Road.
- New residential square introduced
- Day nursery included
- Access points rationalised and new access to Ware Road removed
- Zebra crossing introduced across Stanstead Road
- Increased amenity provision and Blocks set back to better retain planted frontages and protect trees
- Increased separation distances between Blocks
- Retail reduced from 495m² to 280m²
- Scale – majority of site now 2.5 storeys with blocks A, C and D 3.5 storeys

The principle of a mixed use development at the site

7.3 The site is located within the town of Hertford wherein Policy SD2 of the Local Plan applies. This states that development will generally be concentrated in the main towns of the district, which includes Hertford. The principle of residential, nursing home and nursery uses on this site are therefore acceptable. There is no specific policy relating to the consideration for nursing homes and children's nurseries, however it is considered that this site is relatively close to the town centre and accessible via local bus services, and that such uses can be accommodated on the site in principle with no undue harm to

neighbours amenity and the character of the area. In principle, therefore, a mixed use scheme is to be welcomed in this location and it is considered that the proposal would provide some employment generating uses to mitigate for the loss of the exiting employment at the site, in accordance with policy EDE2 of the Local Plan.

- 7.4 In terms of the consideration of the principle of the hotel and retail elements of the proposal, these are considered to be key town centre uses (as defined within the Local Plan and National Policy in PPS4: Planning for Town Centres). The site itself is considered to be an out-of-centre site wherein policy STC6 of the Local Plan would be relevant. Policy STC6 states that following the sequential approach, new retail development and key town centre uses may only be permitted if no suitable sites or buildings are available, or could be made available, for these uses in town centres. Only if this can be demonstrated can consideration be given to such development, subject to set criteria being met, to include the need for the development; that it will have no significant affect on the vitality or viability of any nearby town, district or local centres; that the proposal compliments the role of town centres; that it contributes to an overall pattern of provision which is well related to the distribution of resident population to minimise travel and that the development would be easily and safely accessible by a choice of transport. The sequential approach in STC6 to new retail and hotel is supported by national guidance in PPS4: Planning for Sustainable Economic Growth (Previously PPS6).
- 7.5 I look firstly at the proposed retail units. Each retail unit has a floor area of 140 sq metres (reduced from 280 sq metres in each unit on the 2008 application). Local Plan Policy and PPS4 does not give a threshold of when retail proposals will be required to undertake the sequential assessment, but rather PPS4 at Policy EC3 1)d. states that LPA's should consider setting thresholds for the scale of edge-of-centre and out-of-centre development which should be subject to an impact assessment. The LPA have not set any such threshold. The application has however been submitted with a Retail Assessment, which considers the locational considerations; the need for the new retail facilities and; the appropriateness of the scale of the development. The sequential assessment has been undertaken and notes that although there are vacant sites within the town centre capable of accommodating the retail floor area proposed there are other benefits of including small-scale facilities as part of the mixed use redevelopment of the site. In particular it concludes that the scale of units are modest and are intended to serve only a very localised attachment and as such are unlikely to have an adverse impact upon the role, function or health of Hertford Town Centre. Given the issue that floor areas for when sequential

assessments are required are not defined in Local Plan Policy or within PPS4 and after evaluating the submitted assessment in terms of the limited size of units provided here, it is considered that the proposed retail units are considered to be acceptable in principle in this instance.

- 7.6 I now turn to assess the hotel use, proposed as an 80 bed. An initial Hotel Need and Sequential Test Report was submitted with the application referring at the time to PPS6. However, with the deletion and replacement of this document with PPS4 two updated Reports have been submitted to reflect the changes in policy and approach to assessing such developments.
- 7.7 The latest Report (November 2010) initially looks at the need for the hotel, as although the consideration of need for town centre uses is no longer a requirement of national policy in PPS4, Local Plan Policy STC6 does require that such applications demonstrate a demand for the development. The Report considers market performance generally and provides an overview of existing hotel provision in the area. It considers that there is a clear need for the hotel which primarily derives from visitors to nearby business areas. Equally Travelodge themselves have done separate research to demonstrate that there is a demand for such a budget hotel in this area.
- 7.8 One of the main tests included within PPS4 is that it requires applications for main town centre uses that are not in a centre and are not in accordance with an up to date development plan to be assessed against a number of criteria, one of which is to thoroughly assess all in-centre sites in terms of their availability, suitability and viability. This sequential approach is intended to achieve two important policy objectives, 1) The assumption that town centre sites are likely to be most readily accessible by alternative means of transport and centrally placed to the catchments that the centres serve and 2) To accommodate main town centre uses in locations where customers are able to undertake linked trips in order to provide for improved consumer choice and competition, which serves to reinforce the vitality and viability of the existing centre.
- 7.9 In terms of the sequential approach undertaken, Officers are in agreement with the identified search area and identified sites. Officers are not however convinced that such an assessment has been undertaken sufficiently. In particular in regards to Policy EC15.d.i of PPS4 which requires developers to demonstrate flexibility in terms of scale, format and car parking provision. If there is a need for a hotel in Hertford, it is considered that this could be accommodated on a smaller scale, still offering a budget brand hotel. Notwithstanding the approach

taken by the report in terms of the size of sites identified, and looking at the report is more detail in terms of the assessment of sites, the Council considers that there are sequentially preferable sites for such a hotel which are likely to be capable of meeting the same requirements as the application is intended to meet. In particular sites at Sovereign House, Hertford, (Site No. 10 in their report), Land between Marsh Lane and Viaduct Road, Ware (Site No. 15) and Swains Mill, Crane Mead, Ware (Site No. 16). The fact that sites have another designation; could not be converted (instead requiring re-build); that a site would not accommodate an 80 bed hotel; or that they are not considered to be prominent on a main road, does not, in Officers view, preclude them from being considered suitable for a hotel.

- 7.10 Finally, in terms of impact of this hotel, the Hotel Need and Sequential Test report does assess the proposal against a number of 'impacts' on the town centres of Hertford and Ware. There is agreement that the development due to its 'budget' provision will create no significant adverse impacts to the vitality and viability of Hertford and in terms of the other 'impacts' in Policy EC16.
- 7.11 It is noted that policy LRC10: tourism states that the District Council will give favourable consideration to suitable proposals for visitor accommodation within the District, however this would not override the requirements and considerations of policy STC6 and PPS4.

Appropriateness of the amount, size, scale and design

- 7.12 I turn now to the appropriateness of the amount of development proposed. In line with both national and local policy, the development should make the most efficient use of land (although it is acknowledged that there are now no minimum density requirements within PPS3). Developments should however achieve a high quality layout and design that compliments the character and appearance of its locality and in terms of assessing the acceptability of the layout and design of the scheme I will address each separate block or element of the proposal.
- 7.13 **Dwellings fronting Ware Road:** The layout of these dwellings respects the pattern of development within the wider area and compliments the existing street scene in a positive way and is an improvement on the previous submission. These dwellings have an acceptable private rear amenity space and on street parking provision. Although there is some concern with the height, massing and design of the dwellings which are somewhat out of keeping to the character and appearance of the street scene and locality, it is not considered that it is so harmful as to warrant the refusal of the application.

- 7.14 **Market houses to north eastern corner of the site:** These are re-orientated to form a terraced mews of 24, 2 storey houses (with accommodation in the roofspace) positioned around a central landscaped parking and amenity area. The dwellings are gable fronted and materials are proposed as render, brickwork and timber cladding. Each dwelling has a private rear garden and off street parking provision. The central area is proposed to be a shared high quality space with further on street parking provision and an amenity area. To the south of the mews is further parking and a landscaped amenity space. It is considered that these properties are of an appropriate layout, and that the scale and design of the properties are acceptable and in keeping with the locality.
- 7.15 **Building A (two retail units at ground floor and hotel above):** This is proposed to be set back 11 metres from Stanstead Road and is a length of 50 metres. The building has a basement plus 3.5 storeys with the upper floor being provided within the roofspace. On the previous scheme there was concern that the height, design and fenestration of the building (in particular the roof design) together with the proposed materials, would be out of keeping with the character and appearance of the locality. These concerns have been overcome with a more fragmented façade, break in ridge and a more traditional pitch roof broken up with inverted dormers and other features. In terms of materials, the amount of render has been significantly reduced with more red-brown brickwork introduced. It is unclear whether the plans indicate a zinc roof or slate roof but this could be dealt with by condition. Overall this building is considered to be well sited with the street scene and of an appropriate scale and design to compliment the surrounding area.
- 7.16 **Building B (nursing home):** This is proposed with a curved layout to the east of the site and is 2.5 storey's with the upper floor in roofspace. There were concerns with this building on the previous scheme which was considered to be of a size, bulk, mass and design (in particular the roof design), that had a poor relationship with development in the locality. Whilst the footprint differs little from the refused scheme, this scheme has a redesigned roof, broken up in profile and is of a more traditional designed pitched roof. It gives the impression of a building of reduced bulk and mass. The materials are proposed as render, brickwork and timber cladding, which is acceptable to the locality. It is unclear whether the plans indicate a zinc roof or a slate roof but this could be dealt with by condition in any event.
- 7.17 **Block C (residential flats):** This is sited a distance of 12 metres back

from Ware Road and is 3.5 storey's with the upper floor in dormers within the roofspace. The fenestration has variation in its treatment with staggering of the front facade and changes to the eaves heights, together with differences in window size and sitings and use of projecting balconies. Materials are proposed as mainly red brick, with limited render and timber cladding and a slate roof. This building on the previous scheme raised concerns due to its bulk and mass, height, length of frontage and design, which was considered to be an imposing and dominant building within the street scene. This scheme has re-designed the building with a reduction in the bulk of the building and more interest added to the elevations and this, together with existing trees and landscaping to Ware Road, would ensure that this building would not appear unduly prominent or harmful to the wider character and appearance of Ware Road.

- 7.18 **Block D (residential flats):** This is sited centrally within the site with the other residential Block C to the north and the retail and hotel of Block A to the south. It is 3.5 storeys in height with the upper floor in the roofspace. The building is an off-set L shape with a maximum length of 49 metres to the north elevation. In design terms the building has more traditional double pitch roofs and otherwise is similar to Block C with the same mix of materials and slate roof. This building is internal within the site and as such its relationship with adjoining buildings is of key consideration, and indeed was a concern on the previous scheme. The spacing between this Block and the hotel to the south (Block A) has been increased to prevent a cramped layout and allows for green amenity open space to be incorporated. Equally the spacing to Block C to the north is improved, with more landscaping and softening included and overall it is considered that this building has an acceptable relationship with other adjacent buildings.
- 7.19 **Nursery building:** This is a single storey building of 125m² located to the north of the existing Kingsmead Nursery School. The nursery has a private outdoor amenity/play space of 120m². The building is designed with a flat roof and 3 projecting lanterns with timber cladding and a large amount of glazing and is considered to sit comfortably in terms of its siting and design.
- 7.20 On the refused scheme there was concern with the external space around the whole site which was considered to be of a poor quality layout and provision. This has now been addressed with increased separation distances between buildings, improved amenity spaces and general improvements to relationship of buildings with roadways and streets together with the softening to the entrance of the internal undercroft parking area.

- 7.21 To conclude on the overall layout and design of the scheme, there are some elements of the scheme where improvements could be made as outlined above, but that overall the layout of the buildings with each other and with the street scene of Ware Road and Stanstead Road are acceptable. Equally the re-designed buildings are acceptable in their size, scale and bulk being of appropriate materials to have an acceptable relationship with the wider context of the site and general character and appearance of the locality.

Impact upon neighbour's and future occupier's amenity

- 7.22 With regard to the levels of amenity that the development will provide for future occupiers, Officers are satisfied that the scheme would result in an acceptable degree of amenity being achieved. There are areas of the proposed development that Officers consider could be improved; for example Block B (Nursing Home) which is sited close to the boundary, where the adjoining land has a number of trees which will create some overshadowing and loss of light to the small amenity area and rooms themselves. Similarly one of the residential units to the eastern elevation of Block D would, in Officers opinion, have a poor quality outlook by virtue of being single aspect and facing directly onto the hotel parking. Whilst the amenity to this unit is considered poor, it is not considered so harmful in the overall context of the one unit out of the 126 development as to warrant refusal of the application.
- 7.23 I turn now to the impact upon the amenities on neighbouring properties to the site. Officers consider that there will be no unacceptable impact in regard to the amenity of neighbouring occupiers. Block C is sited at a minimum distance of 30 metres from the residential properties on the opposite side of Ware Road, and screened to a degree by existing established tree planting to the perimeter of the site. Block A is also sited at a distance of 30 metres from the residential dwellings fronting Stansted Road. Equally, the proposed residential dwellings to the north-eastern boundary are sited a minimum distance of 32metres from the rear dwellings in Burleigh Road. Whilst it is acknowledged that the proposed buildings sited to the edge of the site are higher than the residential dwellings in the surroundings, it is considered that, due to the siting of the blocks, distances to existing residential properties and landscaping around the perimeter of the site, there would be no unacceptable impact upon the residents of these neighbouring properties from outlook, loss of light, overlooking or similar.
- 7.24 With regard to the specific impact the development would have on the amenity of the adjacent Kingsmead Nursery School and Wheatcroft

Junior Mixed Infants, concerns raised by neighbours of the site and parents of the school in respect of overlooking during construction of the site; overlooking from occupiers of the hotel; and general safety concerns around users of the hotel are noted. However, it is considered that the layout and distance of buildings on the site are such that any windows are at an oblique angle and at least 20 metres from the nearest point. This would acceptably restrict any overlooking. Furthermore, any overlooking of the site during the construction of development would be of a temporary nature only and not uncommon for a development site. The expressed safety concern in respect of potential users of the hotel is not a land use planning matter that would warrant the refusal of planning permission.

Landscape and ecological considerations

- 7.25 An arboricultural assessment of the existing trees on the site has been undertaken and forms part of the application. This shows that buildings have been sited further into the site to prevent encroachment of root protection zones and retain trees. As noted by the Council's Landscape Officer, although there are areas of the proposed soft and hard landscaping scheme that could be improved on, the proposal does overall give the development a sense of coherence and provide a unifying visual composition. With sufficient emphasis being given to the quality of the external and landscaped space between buildings in terms of attention to design details and specification of materials (plants, trees and hedging as well as hard surfaces, fencing etc.) then an attractive development could be achieved. Any permission would be subject to a specific landscaping condition that would require a high quality landscaping scheme to be detailed and agreed.
- 7.26 The application was submitted with an ecological report. This report has been assessed and subject to appropriately worded conditions on any permission, it is considered that there would be no adverse impact to bats, reptiles and breeding or nesting birds.

Highways implications

- 7.27 In terms of parking requirements, for ease of reading, I will comment on each element of the proposal separately.

Retail and children's Nursery – The parking for the retail element is proposed to be shared with that for the children's nursery. The A1 retail should have a maximum provision of 10 spaces, which can be reduced to 8 (in line with the requirements for zone 4 within the SPD). The maximum provision for the D1 nursery would be for 7 spaces which can

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be reduced to 5. Therefore the retail and nursery uses should have a maximum provision of 13 to 17 spaces. Within the application, 12 spaces are proposed and, given that the SPD figures are maximum figures, and that the spaces are shared between uses where peak use may be at different times of the day, this provision is considered acceptable.

Hotel – 70 spaces are proposed which is in line with the SPD for number of rooms (allowing for 25% reduction and 10 spaces for staff). This parking level is acceptable.

Nursing Home – 15 spaces provided. This meets with the maximum car parking standards for nursing homes. Highways concerns regarding the amount of parking for this use are noted, however it should be highlighted that there are no resident staff on site and as such the provision of 15 spaces is at the maximum level.

Residential - The residential element of the flats in Block C and D and the Ware Road houses, have the following break down of unit sizes:-

Block C and D = 43 x 1 bed, 36 x 2 bed and 11 x 3 bed

Ware Road houses = 12 x 4 beds

A total of 102 units are proposed and 112 car parking spaces. The total maximum parking provision in accordance with SPD guidance would be 168 spaces. Maximum parking spaces are designed to promote sustainable transport choices, reduce land take, enable schemes to fit into urban sites, promote linked trips and access to development for those without the use of a car and to tackle congestion. In considering the acceptability of parking provision, PPG13 makes clear that Local Authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances. Overall it is considered that the 112 parking spaces will adequately meet the needs of the 102 units in this case, bearing in mind the sustainable location of the site. As stated in the Highways consultation, this calculation does not allow for allocated spaces and visitor demand. The Transport Assessment states that flats will be allocated parking by the management company (paragraph 5.15). However DCLG guidance on residential car parking indicates that additional parking is required when spaces are allocated. It is therefore considered that parking should be unallocated so that additional demand is not created. If the Council were minded to approve this application, a legal agreement would be required to ensure that the parking for the flats and Ware Road houses are not allocated. Subject to such a condition, it is considered that the proposed 112 parking spaces for the 102 units would be acceptable.

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Market Houses. 24 x 4 bed units are proposed, each with 2 spaces (1 allocated and 1 on street). This level is considered acceptable in line with the Councils SPD.

- 7.28 In terms of site access it is noted that Ware Road is a busy main route which suffers from peak hour congestion, the introduction of new access and turning movements along this route should ideally be avoided. However the applicant has stated they wish for this access to be included in the application and it is understood the school wished to reduce the amount of traffic using the Stanstead Road access. When considering the character of Ware Road with numerous junctions and private dwelling accesses it is not considered that a recommendation of refusal on the principle of access alone would be reasonable. Appropriate visibility sight lines are achievable and should be conditioned.
- 7.29 In terms of access for the Ware Road junction, subject to the imposition of planning obligations to provide for sustainable transport, improvements to bus stops and a green travel plan to mitigate the impact of any new right turn queues at this location, the proposal is considered acceptable.
- 7.30 Looking at the off site highway impact, modeling has been undertaken by the applicants and the Highway Authority. Subject to planning obligations being provided for sustainable transport, improvements to bus stops and a green travel plan to mitigate the impact of this extra traffic and congestion there is no objection in terms of off site highway impact. County Highways have commented that based on the free and safe flow of traffic on the public highway, they recommend permission be granted subject to conditions and S106 requirements.

Other matters

- 7.31 In terms of S106 matters, Officers consider that, in order to satisfactorily mitigate for the new residential development, financial contributions would be needed towards open space provision (outdoor sports facilities and children and young people); primary, secondary and nursery education; childcare services; youth services; library services; fire hydrants; and sustainable transport and the implementation of highway improvement works. The proposal has been assessed in the light of Reg.122 of the Community Infrastructure Levy Regulations (2010), and it is considered that such contributions meet the relevant tests in the legislation.

- 7.32 A viability report has been submitted by the applicant to attempt to justify that the scheme would not be viable if all the financial contributions sought and the full 40% affordable housing requirement were provided. The Council have appointed an independent consultant to assess this report. They have concluded that indeed the development would not be viable with the full contributions and affordable housing requirements, but that it could be viable with the full financial contributions and a provision of 20% affordable housing, equivalent to 25 units.
- 7.33 In this case, as there was local concern regarding over provision of school places and with the development increasing pressure on local schools and other services, in particular on the highway network, it is felt that contributions towards highways matters and education are key priorities here. Similarly, open space provision was identified as a particular local concern and therefore equally Officers consider that the full financial contribution in this respect should be sought. In respect of housing, Officers acknowledge that this is a key priority for the Council. However, in view of the above concerns and mindful that, even without these other financial contributions, the full 40% affordable provision would not have been viable, Officers consider that a reduced provision of affordable housing is acceptable in this case provided that all affordable housing is of the tenure mix needed in Hertford. Considerable discussions have been undertaken between the Council, the developers and the valuation office to secure a tenure mix that meets the Council's and in particular Hertford's housing need. The tenure mix is therefore agreed with a total of 25 affordable housing units (equates to 20% of the total residential units), provided as 16 socially rented units (9x1 beds, 2x 2 beds and 5x3 beds) and 9 for intermediate rent (6x1 beds 1x2 beds and 2x3 beds) being distributed between 2 locations on the site. The independent consultant has recommended in their report that as there is a compromise on the affordable housing policy and level of affordable housing on site, that either an overage or review mechanism in the S106 (if minded to approve) should be imposed, on the basis that market conditions may improve. The Council consider that such an obligation meets the tests of Reg.122 of the Community Infrastructure Levy Regulations (2010) and would seek to impose this on any approval.
- 7.34 In respect of concerns regarding the potential of flooding, the Environment Agency has raised no objections to the application. However, they do advise the imposition of conditions in respect of surface water drainage, soil contamination and remediation and method of piling and foundation should planning permission be granted.

8.0 Conclusion:

- 8.1 Overall, it is considered that the size, scale, height and massing of the proposed buildings on the site are acceptable with no undue harm to the character and appearance of the wider locality. Internally, the layout of buildings with internal access roads and landscaping are all acceptable and the development would not result in an unduly cramped form of development. Given the above and distance from adjoining developments, there would be no unacceptable harm to neighbouring amenity. In addition, the development is, on balance, and with contributions to other means of transport, considered to provide adequate parking on site and would not be detrimental to the free flow and safety of traffic on the adjoining highways. Provision is made for the necessary infrastructure improvements to mitigate for the impact of the proposed development and the development also provides for affordable housing provision.
- 8.2 It is however recommended that planning permission should be refused for the reason of the failure of the development to accord with the sequential test as set out in PPS4 and STC6, as set out at the commencement of this report.