

## East Herts Council: Development Management Committee

### Date: 25<sup>th</sup> June 2020

Summary of additional representations received after completion of reports submitted to the committee, but received by 5pm on the date of the meeting.

Agenda No	Summary of representations	Officer comments
<b>4a, 3/19/2614/FUL Bircherley Green Shopping Centre, Bircherley Green, Hertford, SG14 1BN</b>	<p>The summary for reason of decision on Page 91 of the Agenda pack, is incorrect. The following wording should be used:</p> <p>East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.</p>	<p>Drafting error</p>
<b>4a, 3/19/2614/FUL Bircherley Green Shopping Centre, Bircherley Green, Hertford, SG14 1BN</b>	<p>A late representation has been received from Hertford Civic Society following the completion of the report. Officers also understand that these comments have been circulated to Hertford Members in advance of the meeting.</p> <p>The comments are as follows:</p> <p>'express our strong disappointment over the revelation that Chase Homes are not willing to make any S106 contribution as part of their overall proposal.</p>	<p>Officers would direct members to the viability and delivery infrastructure section of the committee report (page 55 of the agenda pack).</p> <p>An independent Viability Consultant has reviewed the viability report submitted by the applicant and concludes that the scheme would be unable to provide any affordable housing at the site.</p> <p>During the course of the application amendments</p>

	<p>This would be contrary to Policy DEL1 of the EHC Local Plan, which says: "where proposals cannot demonstrate the deliverability of supporting infrastructure, they will be refused". And a dangerous precedent for other major schemes.</p> <p>Has the best possible scheme really been reached?</p> <p>Hertford Civic Society's main committee has agreed to urge DMC Councillors to consider whether there is still scope to negotiate further with Chase Homes over the issue of a financial contribution, before you reach your final decision.</p>	<p>were made to the scheme which has further affected the viability. As a consequence the scheme is unable to afford any Section 106 contributions.</p> <p>Members should however be aware that following the completion of the report, the developer has agreed for a review mechanism to be included within the legal agreement. This would enable further viability testing to take place to understand if the viability of the site has changed. Therefore there is potential that some financial contributions may be possible.</p>
<p><b>4a, 3/19/2614/FUL Bircherley Green Shopping Centre, Bircherley Green, Hertford, SG14 1BN</b></p>	<p>A late representation has been received from Hertford Museum following the completion of the report. The comments received are as follows:</p> <p>‘I have been in touch with Hertfordshire Fire Protection Service regarding the concerns I expressed in my comment on the application on 4th June 2020. This is in regard to the plans for bin storage which will inhibit the ability of museum staff, volunteers and visitors to exit the museum in an emergency. I would be grateful if the panel would review the advice from Herts Fire Protection below which supports our concerns.’</p> <p>The advice from the Hertfordshire County Council Fire Safety Advisor states:</p>	<p>The issues raised regarding a fire exit strategy would be dealt with at Building Control stage and would fall outside of the planning remit.</p> <p>Any use of land that falls outside of the ownership of the Museum would be a civil matter, it would be for the relevant parties to co-ordinate and co-operate as appropriate.</p>

	<p>'I have responded using guidance for the Regulatory Reform Fire Safety Order 2005 using the information supplied by yourself with DCLG Guide – Small medium places of assembly.</p> <p>It may be prudent to discuss your concern with the developer, building control officer, before the build, as you will have a joint responsibility over the new alleyway.</p> <p>Should these points not be accepted, alternative solutions are available and these should be put within your fire risk assessment.</p>	
<p><b>4a, 3/19/2614/FUL Bircherley Green Shopping Centre, Bircherley Green, Hertford, SG14 1BN</b></p>	<p>An email has been received today from the Assistant Director of the East &amp; North Herts and Herts Valleys Clinical Commissioning Groups, which can be found at the end of this document. The comment is as follows:</p> <p>'We held a call with Chase and the practice yesterday. Good progress on securing the health unit at Bircherley Green as both parties had completed the actions from the call two weeks previous.</p> <p>I understand that the planning is being decided at tonight's planning committee with a favourable decision; hopefully the consent will contain an absolute obligation for a health presence.'</p> <p>A separate letter has also been received from the</p>	<p>Negotiations between the NHS and Chase New Homes are ongoing and appear to be moving in a positive direction in order to secure the health facility at the site.</p> <p>It has been agreed with the developer that a clause within the legal agreement would require the continuation of discussions with the NHS in the hope that agreement can be reached.</p>

	Managing Director of Chase New Homes, which can be found at the end of this document.	
<b>4a, 3/19/2614/FUL Bircherley Green Shopping Centre, Bircherley Green, Hertford, SG14 1BN</b>	<p>Late representations were received between writing and finalising the report. The comments received are as follows:</p> <p>This development is far too big for Hertford, the buildings tower over existing buildings, 45 dedicated parking spaces for 98 flats? They will use the rest of the spaces, leaving less for those we are surely trying to attract to the town. I am afraid another example of squeezing as much as possible in to make as much money as possible. The Council have a responsibility to protect this town, they are fast running out of time and then it will be changed forever. Very sad.</p>	These comments have been put forward by other objectors and are included within the committee report.
<b>4a, 3/19/2614/FUL Bircherley Green Shopping Centre, Bircherley Green, Hertford, SG14 1BN</b>	<p>Late representations were received between writing and finalising the report. The comments received are as follows:</p> <p>Proposal is too high and will over shadow and overlook Folly Island and the Hertford Club. These buildings are part of Hertford's history and deserve more consideration, rather than the planning officers disregard and saying that it is more important for the buildings to be built than how they will effect the residents of Folly Island and surrounding residents. Folly Island is a conservation area.</p>	These comments have been put forward by other objectors and are included within the committee report.

	<p>The houses on Folly Island can be dark and to cut natural light by building the proposed could have a detrimental effect on the mental health of residents not to mention not having privacy.</p> <p>No safety barrier or anything to stop children/residents falling into the river.</p> <p>Light pollution from lights on restaurants, noise also needs to be taken into account.</p> <p>The river front would be nice with more planting of trees to shield the Folly from noise and lights.</p> <p>It appears planning is being rushed through to the detriment of the conservation area and the buildings that have stood for over 300 years.</p>	
<p><b>4a, 3/19/2614/FUL Bircherley Green Shopping Centre, Bircherley Green, Hertford, SG14 1BN</b></p>	<p>Late representations were received between writing and finalising the report. The 3 comments in support can be summarised as follows:</p> <p>I fully support this application and urge councillors to vote for it. Although there are drawbacks to the proposed plan, in my view these are greatly outweighed by the advantages and benefits to Hertford.</p> <ol style="list-style-type: none"> <li>1. The timing is highly relevant. As local economies struggle to get back on their feet due to the negative impact of Covid-19, the Chase application is ready to go quite soon, with approval by the local government. There are unlikely to be other offers forthcoming as businesses will be in a position to</li> </ol>	

	<p>make these.</p> <ol style="list-style-type: none"> <li>2. Hertford is in urgent need of renewal and development, this plan would provide a positive way forward. The old Bircherley Green is now derelict.</li> <li>3. The plan provides retail opportunities for small local businesses. Although many wanted to see larger retail spaces, the fact is that they will not arrive until they see the town is on the way up. If smaller independent businesses thrive, this will attract larger ones.</li> <li>4. More local residents will also provide more local footfall in shops.</li> <li>5. The development will provide jobs to Hertford, both in the construction and the business thereafter,</li> <li>6. Current objections regarding the height and modern style proposed buildings do not stand, given the current height of the existing car park. The new development would undoubtedly be more attractive.</li> </ol> <p>Time is of the essence. The decline in shop numbers and footfall in Hertford impacts on the survival of existing businesses and more will fall by the wayside the longer this continues.</p> <p>If this does not go ahead we are left with a town forced further into massive decline. Our shops and businesses are failing. There is little parking, few jobs an increase in drug and alcohol misuse. The reality is that this part of the town is a mess and has been misplaced for decades. We</p>	
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	<p>can't put 100 year old buildings in here so it has to be modern. There is nothing here for people. We need a decent town that is not depressing to live in. This option of wharf style architecture that opens up much underused river side does a lot to address board needs.</p>	
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## Email from CCG

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**From:** FOGDEN, Sue (NHS EAST AND NORTH HERTFORDSHIRE CCG) [<mailto:sue.fogden@nhs.net>]  
**Sent:** 25 June 2020 09:46  
**To:** Sara Saunders  
**Subject:** [External] Bircherley Green - Health

Hi Sara

I hope that you are well.

I understand that the planning application is being determined at tonight's committee with a favourable recommendation. That is good news for the CCG and local practice in Hertford as health forms part of the application and much needed for the town of Hertford.

Over the past few weeks, the CCG and practice have held positive meetings with the applicant and developer Chase Homes on the provision of health at part ground floor of the development – each have appointed professional technical advisors to progress the design. The CCG has provided Chase Homes with standard documents which Chase's legal team have confirmed they have no issues with. The CCG has also explained to Chase the process for securing approval both from the CCG and NHS England – again Chase find this acceptable.

On yesterday's call, all parties agreed to work up the design, agree Heads of Terms and the CCG will ask the District Valuer for his opinion on the terms and rent; this is the most important aspect, getting the commercial deal agreed, the council will recall that a rent level could not be reached with the previous applicant and I'm sure that no one would like to see a repeat of that! Chase have confirmed on all calls their commercial interest in securing the NHS as a long term tenant of a significant proportion of the available commercial space, so we are more hopeful on this occasion.

Please let me know the outcome of tonight's committee.

Kind regards

Sue Fogden MRICS LLB (Hons)  
Assistant Director – Premises  
**East & North Herts and Herts Valleys Clinical Commissioning Groups**  
Mobile Telephone: 07771 842772  
(Please note that I work four days each week, Monday, Tuesday, Wednesday and Thursday)

