

**EAST HERTFORDSHIRE DISTRICT COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990**

(Section 77)

**CALLED IN PLANNING INQUIRY – APPLICATION BY  
SAINSBURYS SUPERMARKETS LTD**

(Conjoined with Tesco Proposals at Ware Road Hertford)

22<sup>nd</sup> September – 7<sup>th</sup> October 2009

Mixed use redevelopment of part of the McMullen's Brewery site, comprising a foodstore (4872 sqm gross, 2328sqm net) and conversion of the former brewery building to provide elements of the foodstore, including café, offices and commercial space, community space, associated car parking (232 spaces) and landscaping, riverside walk, re-naturalisation of river bank, bridge link to town centre, re-routing of Hartham Lane and associated provision of new access and servicing points, amended design and additional information

At McMullens Brewery Site, Hartham Lane Hertford, SG13 5QA

**PLANNING INSPECTORATE REFERENCE:**

**APP/J1915/V/09/2101286**

**LOCAL PLANNING AUTHORITY REF:**

**3/08/1528/FP**

**Proof of evidence of Cllr William Ashley  
East Herts District Council**

Wallfields  
Pegs Lane  
Hertford, SG13 8EQ

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EHDC/A	3/08/1528/FP Officers Committee Report
EHDC/B	3/08/1528/FP Minutes for 14 February Committee Meeting

### **1.0 Qualifications and experience**

1.1 My name is William Ashley. Since 1999 I have been the elected Councillor for the ward of Hertford Heath, within East Hertfordshire District Council. I have been a member of the Development Control Committee since 1999, and have been Chairman of that committee since May 2009. This proof of evidence has been endorsed by the Members of that Committee on the 29 July 2009 Committee.

1.2 I have undertaken all the available training as a member of Development Control. Members receive update and refresher training on a regular basis, along with external training events. A further round of update training will have commenced by the time of this Inquiry. I have lived in the area all my life. For the last 16 years I have been a local magistrate.

1.3 My evidence at this Inquiry deals with the Councils considerations of this appeal site and the Councils reasoning and justification leading to the Council's decision to grant conditional planning permission, subject to referral to SOS.

## 2.0 **Introduction**

2.1 Sainsbury's proposals for this site have evolved over a significant period of time from initial public consultation and work with the Councils Planning Officer's to establish some key design principles for a new foodstore at the Hartham Lane site. A first planning application in January 2008 was withdrawn and proposals amended by a new application, which is now the subject of this Planning Inquiry. Amendments to the plans have reduced the store size and the level of car parking; provided further enhancements to the riverside; improved landscaping provisions around and within the site; secured well defined pedestrian access within and around the site and considerable attention has been given to the design of the new store, its form, detailed design, materials and response to public frontages around the store. The provisions of planning conditions and the S106 will enhance

the ability of the store to be well integrated with the town and to secure much needed enhancement of the Conservation Area.

2.2 As is outlined within paragraph 2 of the Councils Statement of Case, alterations to the listed brewery and Conservation Area consent for the demolition of buildings was granted by the Development Control Committee on 14 January 2009. Within that Committee meeting, the Members also resolved to grant planning permission in principle for a new food store. The application was deferred to allow further discussion regarding section 106 contributions. On the 11 February 2009, the Committee considered the proposed terms of those obligations and resolved to grant consent, subject to referral to the Secretary of State.

2.3 As a Member of the Development Control Committee, I participated in the debate on 14th January 2009, which revolved around the planning considerations relating to the proposed development. This proof will set out my view on the planning justifications that warranted the Councils decision to grant planning permission, having regard to all the planning considerations including the report recommendation of the Councils Officers and the views of Statutory Consultees.

### **3.0 Planning considerations**

3.1 In my opinion the main planning considerations which must be considered relate to:-

1. Local Plan / employment provisions
2. Design / conservation issues
3. Pedestrian links / access considerations
4. Financial contributions

- 3.2 The main concerns that officers of the Council raised with regards to the appeal proposal, related to the restrictive access having regard to traffic generation from the development and the design impact of car parking within the conservation area.
- 3.3 With regards to highways and access considerations, I recognise that there are limited congestion problems in the roads leading up to the Hartham Lane appeal site and that these may increase as a result of the development of the McMullen site. My view, acknowledged by other highways specialists for the appellants, Sainsbury's, and Hertfordshire County Council is that, owing to the historic nature of this part of Hertford, any major re-development of the site is likely to have a degree of impact which may cause further congestion to the local transport network.
- 3.4 However, it must also be acknowledged that when McMullens was operating as a brewery utilising most, if not all of the industrial units as part of that operation, a significant amount of traffic, including HGV movements, was generated. In my view, the area coped with that degree of traffic and activity. The site is in urgent need of redeveloped in my opinion, and it requires a major prosperous company to undertake such an important scheme for the County Town of Hertfordshire.
- 3.5 Any traffic impact must, in my view, be balanced against the broader benefits of the scheme, including the economic benefits, improvements to the appearance of the site, the Conservation Area and an important listed landmark building combined with the proximity to and improvements to the connections with the town centre.

#### Employment provisions

- 3.6 With regards to 1 above, it is recognised that the proposed development of the site would be within an employment area. I agree with the officers comments within paragraphs 7.8 – 7.11 of the 14<sup>th</sup> January Committee Report for LPA reference 3/08/1528/FP (attached as appendix A).
- 3.7 It must be appreciated that the foodstore would provide an estimated additional 250-300 jobs combined with approximately 80 jobs in the retained brewery for the office/community use. Taking into account those details and with regards to the requirements of employment provision policy, officers did not consider that the development of the site will conflict with wider employment objectives. The development will secure new employment within the town and will be a boost to investment confidence within the wider town centre with potential further employment gains.
- 3.8 It must also be taken into account the degree of support from the St Andrews Street Traders Association which, as outlined in paragraph 5.4 of the Officers report, considers that Hertford Town centre needs to grow and is not viable at its current size.
- 3.9 The Sainsbury's scheme has been designed with a flexible car park charging scheme in mind that will promote the use of the store for longer term shopping, discourage short top up shopping trips, and will also offer more generous longer stay parking charges. This, combined with the proposed bridge link will offer the opportunity for people to park, shop and visit the town centre from a convenient distance without any obligation to visit the store. I believe this will be to the benefit of the town centre.

Design / conservation issues

- 3.10 The site itself has a neglected, derelict and unhappy appearance, which, to my mind is compounded by the prominence of the location in the Conservation Area and its siting adjacent to the listed building of McMullens Brewery. Many of the existing buildings make no positive contribution to their surroundings and these are proposed to be demolished to facilitate the development and give a major planning gain. The access road along Hartham Lane provides the most views of the site and is also considered to be one of the principal accesses to Hartham Common. That access is flanked by the large bland facades of industrial buildings, which provide a poor appearance and approach to the attractive green spaces of the common. I would therefore be in agreement with the Council's officers considerations (within the Committee Report – para 7.47), that there are significant opportunities to enhance the application site and surroundings and this part of the Hertford Conservation Area.
- 3.11 The agreed planning conditions for the site allow for landscaping areas to be increased in size and enhanced in character within areas under the Council's ownership outside the planning application site. This will enable the scheme to fully address the concerns that car parking will be seen in conjunction with existing car parking areas at Hartham Common.
- 3.12 As recognised in the Officers committee report for Sainsbury's, it is a design challenge to incorporate a large single use building within the physical constraints of the site whilst having regard to the intricate, mixed grain and form of development of an historic market town and in its close juxtaposition with the listed building. However the Hartham Lane area is of an industrial character and large built forms are not uncharacteristic of this area.

- 3.13 I am by no means an expert but the positioning of the new store with the listed building looks exciting and has an interesting balance. The foodstore building itself whilst significant, in terms of its size and scale, would not be dominating over the listed building and in its roof forms and finishes, subject of much discussion with the Council's Conservation Officer, would preserve and enhance the setting and views of the brewery, to the overall benefit of the locality and by the replacement of the existing incongruous buildings.
- 3.14 If the Inspector is minded to refuse this scheme then the brewery building is a large local landmark building of uncertain future. The proposed conversion offers the benefits and security of integrating the new store into the listed brewery and also enabling new community and work spaces to be created in the repaired building (estimated £3M of repair). Local arts groups are interested in the potential of the attractive studios and courtyard spaces that can be provided in a prime location close to the town centre.

Connecting / links to the town centre and surroundings

- 3.15 Combined with the improvements to the character and appearance of the site is a consideration of the linkages and new access to the town. The proposed store will offer, via the agreed S106 provisions, to fund pedestrian and cyclist improvements within the vicinity of the site including public realm enhancement of Old Cross. It will also secure many pedestrian benefits by the retained pedestrian route along the former Hartham Lane road, the riverside walkway and amenity area and a new footbridge link to the town centre.
- 3.16 The access provisions for pedestrians, cyclists and the new footbridge are, in my opinion, important parts of the development and also considered to be key public benefits. They would allow for open views,



interaction and enjoyment of the river, whilst improving the connections between different parts of the town centre, Hartham Common and residential areas nearby.

3.17 The Hartham Lane site is considered to benefit from an attractive link and close physical relationship with the town centre, without any barriers of significant roads and built form. The Sainsbury's proposal will secure public access rights along the river and across the new bridge to the town centre as well as other public rights of way along Hartham Lane.

3.18 Having regard to the above I consider that the Sainsbury's scheme in terms of the number and quality of the improved accesses will enjoy a positive and beneficial relationship with the town centre, and will improve the overall accessibility of the site and other areas.

#### 4.0 Planning Obligations

4.1 Any development can result in social, environmental and infrastructure costs. Such costs should not involve unreasonable additional expenditure by the public sector or the existing community. The Council considers that, in offsetting these potentially harmful impacts, developers should be required to contribute to any infrastructure required to serve a development. Policy IMP1 of the East Herts Local Plan Second Review in combination with the Councils Planning Obligations SPD Oct 2008, supports such an approach.

4.2 The Minutes of the 14 February Committee Meeting explains the proposed planning obligations and planning conditions which the Council have agreed in respect of the Sainsbury's site.

- 4.3 This includes contributions to the sum of £575, 000 (including £70,000 earmarked for the Dolphins Yard footbridge), index linked for the delivery of sustainable transport measures in the vicinity of the site including improvements to bus stops, pedestrian and cycle facilities and schemes to be identified in the current Hertford Transport Plan. This is a significant investment which will provide the town with a number of improved facilities, to encourage public transport usage, combined with walking and cycling, to the overall benefit of the town.
- 4.4 The provision of finance for an urban design competition with match funding for its implementation is considered to be an innovative way of exploring and assessing the requirements of pedestrians, traffic and conservation at the Old Cross and Bull Plain in the long term. Both of these areas are important areas linking the site and town centre. It is considered that, such a competition may allow these areas to be revitalised and developed to a high, innovative design standard, whilst respecting the Conservation Area and improving pedestrian access and the overall environment of the locality.

## 5.0 **CONCLUSIONS**

- 5.1 In my judgment I consider that the benefits of the Sainsbury's scheme are of such a scale that they comfortably overcome any concerns with regards to vehicular access or design. The scheme will regenerate a key part of Hertford Conservation Area which is in much need of development and secures the future use and repairs of one of the towns landmark listed buildings. The existing appearance and character of the site is detrimental to the Conservation Area, the environment of the town's main outdoor leisure space, Hartham Common and the setting of the listed brewery.
- 5.2 The scheme will revitalise the site and the wider area with a well designed building and layout which provides for extensive new

landscaping within and outside the site for river access and enhanced public spaces and new pedestrian and cycle links to the town. The provision of the store and shoppers car park will be well connected to the town centre, is supported by local businesses on the west side of the town and will support the vitality and viability of the town centre. Although Hertford already has three foodstores, a new Sainsburys will provide added facilities and healthy competition from the other side of town. With new customers coming from a large catchment area, including Bengeo, from where shoppers will no longer have to drive through the town. I really believe this is the answer to the problems posed by the future of this large Conservation Area, especially situated where it is adjacent to the very attractive and much used Hartham Common, and the river.

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