

EAST HERTS COUNCIL

DEVELOPMENT CONTROL COMMITTEE - 29 JULY 2009

REPORT BY HEAD OF PLANNING AND BUILDING CONTROL

6. PLANNING INQUIRY, SAINSBURY'S DEVELOPMENT PROPOSALS, FORMER McMULLENS BREWERY SITE, HARTHAM LANE, HERTFORD

WARD(S) AFFECTED: Hertford Wards

'D' RECOMMENDATION - that the draft proof of evidence due to be submitted to the forthcoming planning inquiry be endorsed.

1.0 Purpose/Summary of Report

1.1 This report is to update Members of the committee with regard to the planning inquiry into the development proposals by Sainsbury's at Hartham Lane, Hertford and to enable Members to consider and endorse the statement to be submitted to the inquiry on behalf of the committee by Councillor Ashley.

2.0 Contribution to the Council's Corporate Priorities/Objectives

Promoting prosperity and well-being; providing access and opportunities

Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.

Caring about what's built and where

Care for and improve our natural and built environment.

Shaping now, shaping the future

Safeguard and enhance our unique mix of rural and urban communities, ensuring sustainable, economic and social opportunities including the continuation of effective development control and other measures.

Leading the way, working together

Deliver responsible community leadership that engages with our partners and the public.

3.0 Background

3.1 Members will recall that at the meeting of the committee of 14 January 2009, it resolved, in principle, to grant planning permission for the development proposals submitted by Sainsbury's for the above site. Details of the matters to be dealt with in a Section 106 agreement and by planning conditions were subsequently considered at the meeting of 11 February 2009.

3.2 The matter was referred to the government office and was subsequently called in for a decision by the Secretary of State. This is to follow the planning inquiry that is now timetabled to commence on 22 September 2009.

3.2 Members will be aware that the earlier proposals, submitted by Tesco Stores Ltd, for the redevelopment of its site at Ware Road, Hertford, which were refused in September 2008 and subject of appeal, were to be dealt with at the same planning inquiry. Those proposals have now been withdrawn.

4.0 Report

4.1 The Officers recommendation to the January 2009 committee, in relation to the Sainsbury's scheme, recommended that permission should not be granted.

4.2 In considering in what way the Council should put its case at the inquiry, it has been determined that the presentation of evidence by a member of the Committee, to explain how the committee reached the view it did, would be appropriate. Councillor Ashley has agreed to undertake this role on behalf of the committee.

4.3 Councillor Ashley's evidence has been drafted and is attached as an appendix to this report. In considering the evidence, Counsel advising the authority has indicated that it would assist the Inspector dealing with the inquiry if Councillor Ashley can indicate that his evidence is being presented on behalf of the committee. When appearing at the inquiry therefore, Councillor Ashley will be in a position to indicate to the Planning Inspector that his views have the full weight of the committee. Members of the committee therefore are asked to endorse the evidence attached.

5.0 Consultation

5.1 None on this report. The planning applications have been the subject of the normal publicity and consultation.

6.0 Legal Implications

6.1 Endorsement by the committee enables the Planning Inspector to be clear with regard to the weight that can be attached to the views of Councillor Ashley at the inquiry.

7.0 Financial Implications

7.1 None

8.0 Human Resource Implications

8.1 None

9.0 Risk Management Implications

9.1 Related to the matter set out above in relation to the weight that can be attached to the views of Councillor Ashley at the Inquiry.

10.0 Appendices

10.1 Appendix A - Draft proof of evidence on pages 98 - 108.

Background Papers

Sainsbury's planning application documents.

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