

3/09/1282/FP

14. **3/09/1282/FP – 2 no. rear extensions to storage areas of 251 sqm and 100 sqm with associated internal re-configuration to create additional 588 sqm sales area at Tesco Store, Ware Road, Hertford, SG14 1QA for Tesco Stores Ltd.**
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Date of Receipt: 14.08.2009

Type: Full - Minor

Parish: HERTFORD

Ward: HERTFORD – CASTLE

RECOMMENDATION

That subject to the applicants entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:-

1. A financial contribution of £20,000 to fund a Community Arts Project using the brick clad building elevations on Railway Street and the corner of Railway Street/Mill Road.
2. A financial contribution of £52,000 index linked towards the provision of sustainable transport modes within the vicinity of the site.
3. The provision and agreement of a Green Travel Plan for the development

That planning permission be **GRANTED** subject to the following conditions:-

1. Three Year Time Limit (1T12)
2. Materials of construction (2E11)
3. Prior to the commencement of the development the details relating to the management of the store car park shall be submitted to and approved in writing by the local planning authority. These shall include the periods of stay permitted (minimum two hour free parking), details of barriers, hours of use and areas of the car park to be restricted overnight. The areas shown for parking shall be retained for such use and the development shall thereafter be occupied in accordance with the approved details unless as otherwise may be agreed in writing with the local planning authority.

Reason: To ensure the operation of the car park respects neighbour amenity and supports linked shopping trips to the town centre in accordance with Policies ENV1, TR1 and STC1 of the Adopted East Herts Local Plan

2007 and national planning guidance in PPS1 and PPG13.

4. Prior to the commencement of the development, details of a phasing programme for the development of the site; methods for accessing the site and provisions for construction traffic access; wheel washing facilities; associated parking areas and storage of materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details.

Reason: To ensure that adequate access for existing users and businesses is maintained at all times and ensure the development proceeds without undue interference to the safe and convenient use of the public highway.

5. Prior to the commencement of development, details of cycle parking facilities, to number at least 26, shall be submitted to and approved by the Local Planning Authority. The approved cycle parking facilities shall be provided prior to the first occupation of the extended store and thereafter maintained in accordance with the approved details.

Reason: To encourage the use of cycles as means of transport, in accordance with policies TR13 and TR14 and Appendix II of the East Herts Local Plan Second Review April 2007.

6. Prior to the commencement of development a Service Yard Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority and thereafter the service yard shall be managed in accordance with the approved Plan. The service yard management plan shall ensure:

- (a) All vehicles turn right in and left out of the service yard from Railway St.
- (b) All deliveries scheduled, where possible, to avoid more than 2 articulated lorries accessing the service yard at any one time.
- (c) If vacant vehicles will always be directed to the northern dock to reduce likelihood of vehicle in southern dock being ready to depart first.
- (d) If required there is sufficient space for a third vehicle to wait in the yard.
- (e) If a vehicle is parked in the southern dock and another arrives a decision will be made as to whether the vehicle waits in the space available or proceeds to the northern dock

Reason: To ensure that service vehicles are able to turn and manoeuvre within the site and to minimise the potential use and conflicts with the public

highway.

7. The service yard area as indicated hatched on plan 209054 12 A shall be permanently kept clear for the parking and manoeuvring of service vehicles for the lifetime of the development.

Reason: In the interest of highway safety and to ensure the development makes adequate provision for off street parking and manoeuvring of service vehicles associated with its use.

8. The extended store hereby permitted shall retain and maintain at least one pedestrian access point from Railway Street, one from Mill Road and two from Ware Road to provide customer access during store opening hours or in the case of Railway Street between 7am and 10pm.

Reason: To promote the use of the store by customers on foot and reduce the need to travel by private car in accordance with sustainable transport aims and in accordance with Policies ENV1, TR1 and SD1 of the Adopted East Herts Local Plan 2007 and national planning guidance in PPS1 and PPG13..

9. Prior to the commencement of the development, details of highway and car park works, broadly as indicated on plan 5730 PL(90)200 received 7 December 2009, including those specified below, shall be as submitted and agreed in writing by the Local Planning Authority . The works shall be completed prior to the first use of the development and thereafter maintained in accordance with the approved details unless as otherwise agreed in writing.

- (a) New path way to Ware Rd.
- (b) New 75mm road hump at Ware Rd exit.
- (c) Existing pedestrian warning sign to be replaced with new warning sign.
- (d) Revised car park and Pick up Point layout
- (e) Barrier controls to isolate eastern side of car park

Reason: To ensure the efficient and safe operation of the car park and its exits and to favour access by pedestrians and cyclists to the store in accordance with Policies ENV1, TR1 And SD1 of the Adopted East Herts Local Plan 2007 and national planning guidance in PPS1 and PPG13.

10. Prior to the commencement of the development, details of a new store entrance within the south west corner of the building on or near to Mill Road, shall be submitted to and approved in writing by the Local Planning

Authority. The entrance shall be provided prior to the occupation of the development hereby permitted and thereafter maintained in accordance with the approved details.

Reason: To ensure that the store connects well with its surroundings and promotes linked trips and sustainable transport trips in accordance with Policy ENV1 and STC1 of the adopted East Herts Local Plan 2007.

11. Landscape Design Proposals (4P12) Parts (a) levels (b) means of enclosure (e) hard surfacing materials. (i) planting plans (k) schedules of plants. Add – “The details shall provide for the redesign and enhancement of the customer car park and the landscape space along Mill Road including additional tree planting and more attractive pedestrian routes through the area.”
12. Landscape implementation (4P13)
13. Prior to the first use of the development hereby permitted, a plan to indicate the extent of floorspace given to comparison goods shopping, an area not exceeding 10% of the net sales floor area shall be submitted to and as approved in writing by the local planning authority. The use of the store shall thereafter continue in accordance with the plan or as may otherwise be agreed in writing by the local planning authority.

Reason: To maintain the convenience goods function of the store, and control the potential negative impacts on the town centre of a larger comparison goods offer within the store and in accordance with Policy STC1 of the adopted East Herts Local Plan 2007 and national guidance in PPS6.

14. Prior to the first use of the development hereby permitted, a layout plan to indicate the widening of the internal circulation aisles shall be submitted to and as approved in writing by the local planning authority. The use of the store shall thereafter operate in accordance with the plan or as may otherwise be agreed in writing by the local planning authority.

Reason: To ensure the qualitative benefits of the proposal are achieved having regard to the site’s edge of centre location and in accordance with national guidance in PPS6.

15. Prior to the occupation of the development hereby permitted, the CHP plant subject of application 3/09/1696/FP, or such alternative as may be permitted by the local planning authority, shall be installed and operational and thereafter maintained for use with the approved scheme.

Reason: To ensure the development incorporates energy efficiency measures and in accordance with policies ENV1 and SD1 of the East Herts Local Plan Second Review April 2007.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular ENV1, ENV2, TR1, TR2, TR7, BH5, BH6, BH12 and STC1. The balance of the considerations having regard to those policies and national planning guidance in PPS1, PPS6 and PPG15 is that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract. It comprises the rear part of the existing Tesco Store at Ware Road, Hertford. The site is on the eastern edge of the town centre but is separated by the listed group of buildings at Bluecoats Yard which lie to its west. The site is adjacent to the Grade II listed Hertford East Station and diagonally opposite the Grade II listed former Dolphin Hotel which was converted from a public house to residential use two years ago. Houses in Villiers Street and their rear gardens back onto the Tesco car park on the east side.
- 1.2 Members will recall that planning permission (3/08/1268/FP) was refused for a comprehensive redevelopment of the Tesco store in September 2008. That application proposed a significant enlargement of the store (4,348 sqm net sales area), provision of upper floor residential accommodation and car parking. An appeal against that refusal was to be considered jointly at a call-in Inquiry with the Sainsbury's proposed foodstore at Hartham Lane, although in July 2009 Tesco withdrew their appeal and then substituted this more modest extension proposal. The Call In Inquiry continued considering the Sainsbury's scheme alone and this was completed at the end of September. The Secretary of State's decision on that application is expected by the end of January 2010.
- 1.3 This application proposes two bulk store extensions at the rear of the Tesco store towards its Railway Street frontage. Both have implications for the size of the service yard area and the appearance of the site. One extension (Extension A) of 250 sqm is to the loading bay area. This will see the extension of the brick facade which fronts Railway Street directly south of the Hertford East Station, which is currently a four panel brick elevation and

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will extend to 6 panels in the proposed development. The other proposed extension is a 100 sqm footprint addition (Extension B) to a single storey section at the back of the service yard. The extensions enable the demolition and repositioning of the internal store rear wall by 12m and thereby the enlargement of the Tesco store to provide an additional 588 sqm sales floorspace. The back of house storage spaces will be more restricted. Tesco have not suggested that they are able to provide any additional floor area without the proposed extensions. The total resulting floorspace would be 2714 sqm net. The table below sets out the changes with a comparison with previous schemes and other town centre stores, existing and proposed.

	Existing	Previous	Revised
Tesco	2126 sqm	4348 sqm	2714sqm
Sainsbury's	----	2508 sqm	
Waitrose	1170sqm		
M and S	770 sqm		

- 1.4 The applicant, in discussion with officers, has agreed changes to provide improved pedestrian entry points from Mill Road and Ware Road, with measures to reduce speeds of vehicles at the Ware Road exit. The Mill Road vehicular access point and car parking would remain largely unchanged at 283 spaces although a revised layout is indicated to improve access within the car park, enable the sectioning off of the Villiers Street side of the site and reduce congestion of vehicles on entry from Mill Road. The layout of the service yard area will change but the applicant says there will be sufficient space allowing delivery vehicles to access and egress with ease.
- 1.5 The application is accompanied by a Planning and Retail Statement; Design and Access Statement; Statement of Community Consultation; Transport Statement; Tree Survey and a Sustainability Statement.
- 1.6 The site lies within the Hertford Conservation Area.

2.0 Site History

2.1 The main relevant planning applications to the site are:-

- 3/85/1882/OP. 4,474 sqm food store (gross) 2090 sqm (net) 320 car parking spaces, link road. Appeal dismissed 14th April 1987.
- 3/86/1034/OP. 4,000 sqm food store (gross) 1,858 sqm (net) 340 car

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parking spaces, link road. Appeal allowed 14th April 1987.

- 3/85/1881/LB. Demolition of infirmary, music block, school chapel, pavilion and garages. Appeal allowed 14th April 1987.
- 3/87/1231/RP. Retail store 3,939 sqm (gross) 1,659 sqm (net), 334 car parking spaces, service yard and new road link. Reserved matters. Conditional permission. 7th March 1988.
- 3/98/0409/FP. Extension of warehousing. Approved May 1998.
- 3/02/0562/FP. Provision of left turn exit Ware Road. Approved April 2003.
- 3/07/1611/FP. Alterations of exit and boundary. Refused Sept 2008.
- 3/08/1304/LC – Demolition of existing buildings. Approved 28 Sept 2008
- 3/08/1268/FP – Redevelopment to provide a retail store 4,348 sq.m. net sales area); 54 residential dwellings; A D1 community facility (730 sq.m.); A3 cafe outside the store (242 sq.m.); Car parking and servicing; landscaping and associated ancillary development. Refused 28 Sept 2008.

2.3 Planning permission was granted for the extension of warehousing in May 1998 (3/98/0409/FP). This led to the revised internal layout and enlargement of the store sales area (currently 2126 sqm net).

2.4 A planning application has been recently registered and now under consultation for installation of a CHP unit (3/09/1694/FP) at this site

3.0 Consultation Responses

3.1 The Council's retail consultants, Chase and Partners, consider the additional 588 sqm a relatively modest increase in net sales area. Although originally satisfied with the PPS6 considerations of scale and the sequential tests; having regard to the tests of need and impact they required a revised retail assessment to be undertaken to take account of the Council's support for the Sainsbury's proposal at Hartham Lane. Having considered the supplementary retail assessment they advise that with regard to the test of need, there is potential capacity to 2012 for both the proposed Tesco extension and the proposed Sainsbury's store. They also consider there will still be modest qualitative benefits to the store of improved circulation,

enhanced product range and stock holding.

With regards to impacts on the town centre they advise that there should be no overall harm. Accordingly they consider the PPS6 tests are met; Chase welcome the fact that Tesco will agree to a planning condition to limit the overall comparison goods sales area, as there is no restrictive planning condition for the current store.

- 3.2 The Environmental Health Officer has recommended restricted hours of working conditions in the interests of the amenity of nearby residents but made no further objections notwithstanding comments of the local residents.
- 3.3 The Conservation Officer has not objected to the plans. As the proposals are in keeping with the bland design of the Tesco's building the extension is then seen as neutral in its effects on the conservation area and the setting of Hertford East station. However it is recommended that the design of the Tesco north elevation should reflect the lively architectural character of its neighbour and that the design approach should be extended to the long façade on the Mill Road side. It is also recommended that the design philosophy be extended to the south and east elevations of the building. The open space along Mill Road could be more of a feature with the introduction of public art.
- 3.4 The County Highways Development Control Manager has no objections subject to conditions and S106 contributions. The impact on the Ware Road junction is estimated at 4% of existing flows and not significant. There will be extra trips and the proposed revised layout of the car park is needed to reduce the risk of vehicles blocking back onto the public highway on Mill Road. Measures are suggested and agreed to reduce the speed of vehicles exiting at Ware Road.
- 3.5 It is anticipated that the proposal will generate 1 extra Tesco delivery a day and no further non Tesco deliveries. He would wish to see a planning condition that the service yard areas as indicated on plan 209054 12A is kept permanently clear for service vehicles.
- 3.6 It is predicted that the development could generate an additional 52 peak hour trips and following the HCC toolkit he recommends the contribution of £52,000 towards schemes and measures arising from the Hertford and Ware Transport Plan via a S106 obligation as sustainable transport measures can be improved for this site. Provisions for a Green Travel Plan is requested.

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- 3.7 He has no objections to the retained 283 parking spaces, for a Zone 3 site, the maximum parking standard required would be 299 spaces but with a permitted reduction in the range of 150 to 224 spaces in accordance with the adopted Vehicle Parking Standards SPD.

4.0 Town Council Representations

- 4.1 Hertford Town Council objects to the plans due to its serious concerns about the additional retail floor space (22%). Although they have met with the applicant, they maintain this concern pointing out that the proposal is not modest in their view but half the size of the existing Waitrose and 75% the size of Marks and Spencer's foodstore. The sale of books, CD's and mobile phones will have an effect, challenge the independent traders and damage the economic vitality of the town. The store is already of a considerable size for its location and any increase has the potential to damage other major retailers and the choice of outlets. The Committee are also concerned that there is no increase in parking provision when customers have indicated this is a complaint and despite a large increase in retail floor space bringing additional customers and increasing both vehicular and parking difficulties. They were also concerned by increased delivery traffic.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice , site notice and neighbour notification
- 5.2 38 letters have been received, mostly in objection, which focus on key problem areas for the existing store as well as anticipated problems related to the new proposal. Several representations noted and welcomed that the proposals are more modest than the previous application (3/08/1268/FP).
- 5.3 Hertford Civic Society, a key participant in the recent Sainsbury's Call In Inquiry, has not objected in principle to the extension but makes several comments. With regard to the submitted Planning and Retail Statement they say the impact on town centre trade has not been assessed, they identify trade draw from Waitrose and Marks and Spencer which should be addressed in the Transport Statement. They are also concerned that 13 % of the new floorspace will be allocated to comparison goods but no figure is given for the existing floorspace, ideally there would be no increase in comparison goods floorspace.

- 5.4 The Civic Society support the Council's request for a store entrance to be provided directly onto Mill Road to encourage linked trips and non car modes of transport. They also support further investigation of how to improve the north elevation facing Hertford East. 2 hour parking should be made a condition of any permission. Due to nuisance to residents a delivery management plan for the service area should be required to mitigate the nuisance. There should be a formal commitment to the CHP system installation and they support improvements to the wider public realm of the store.
- 5.5 The key concerns/objections made by local residents are to the impacts on the town centre, traffic and parking problems, hazards at the Railway Street service area, loss of neighbour amenity, lack of measures for pedestrian and cyclists and the appearance of the enlarged elevation to Railway Street. The points made are summarised as follows:-

Impact on town centre/retail need

- Increased store size will increase non food lines and affect viability of town centre shops
- Prior to Tesco the town had several butchers, greengrocers and fresh food shop.
- Town has balance of independents and main retailers and a larger Tesco could jeopardise this. E.g. Albany radio shop could suffer if Tesco expand electrical product lines.
- 34% of Tesco's own respondents said they would be more likely to link trips to the Town Centre if the time limit in the car park were extended
- Tesco is the dominant local store and in the interests of competition shouldn't grow. We need variety not dominance.
- May become a one stop shop, how can it encourage linked trips?
- Expansion will affect local stores in town centre and lead to more closures. Town is becoming dominated by drinking and restaurants.
- Very few Tesco customers shop in town. Time restrictions in car park restrict customers to use of Tesco itself.
- Trade diversion of 6% - £1.5M – is a lot for the existing town.
- Why don't Tesco lease Woolworths to sell their non food lines to the benefit of the town centre?
- Any excess pressure on the store will be relieved if the Sainsbury's proposal goes ahead – so no qualitative need
- Cramped aisles were the result of Tesco's own changes introduced in spring 2008 to support the case for their new store application, so can be addressed by revising the existing internal layout.

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- No need – a larger Tesco store doesn't offer greater choice for consumers.
- Doesn't meet the tests of PPS6
- Hatfield and Brookfield Farm are large Tesco stores only 15 minutes away
- If granted then should be a restrictive condition limiting the sales to foodstuffs to modify impact on independents

Traffic/parking problems

- Noticed the store car park completely full even on a mid week morning. Constant circling of cars in car park make it hazardous.
- As store enlarges, people will stay longer in the car park causing more congestion.
- How can retail area increase by 22% and no more parking be provided?
- Store is already large for this site
- Have not addressed access issues to the store
- Insufficient customer parking is available for an expanded store
- Increased traffic congestion will adversely affect local residents
- Increased rat running

Servicing from Railway Street

- Lorry build up at rear entrance is a safety concern.
- Lorries frequently obstruct visibility.
- Hazard to pedestrians including schoolchildren using this route.
- No delivery lorries should be allowed to wait outside service entrance.
- Lorries have damaged pavement at Hertford East.
- Parking attendants have been seen to give the lorries tickets showing how long they have been there.
- Delivery vehicles take no notice of the waiting restrictions 8am – 6pm Mon to Sat.
- Concerned that reduced service yard area will worsen problems on Railway Street – the yard is already too small.
- The Promised 'Service Area Management Plan' will not be adhered to

Resident Amenity

- Increased disturbance to local residents.
- Residents suffer from night time deliveries.
- Tesco's own noise report on last application said that residents

endure levels of 41 – 61 decibels despite a maximum recommended night time level of 45 decibels (PPG24)

- Noise disturbance increased with 24 hour opening and then 24 hour sale of alcohol.
- Request stringent conditions on the times of delivery lorries e.g. 7am to 10pm Mon – Sat and 10am to 4pm Sunday.
- Sainsbury's agreed restricted times of delivery so why not Tesco.
- Tesco can't clear their stock quickly so unpleasant odours from the yard.
- Suggest restricting size of Tesco car park to Mill Road/Ware Road from 10pm Mon – Sat and from 4pm Sunday by closing one side of car park including the Ware Road exit.
- Why have existing barriers not been used to stop car park being used as a race track by joy riders as promised?
- Generator disturbs neighbours and needs to be resited within building

Walking/cycling measures

- Will existing pedestrian route from Railway St be maintained?
- Proposals do nothing to promote walking and cycling? Cycle rack not overlooked by CCTV.
- Cycle parking needs to be visible from store entrance for security.
- Need to encourage non car drivers to the store.
- Condition should require that the Ware Road exit be made safe for pedestrians.
- An 80 year old was knocked down at Ware Road exit 2 years ago.
- Signage at Ware Road exit obstructs visibility.
- The only good thing about the previous application was that it removed the Ware Road exit hazard. It should be closed.
- Bus passengers should get real time information at Mill Road stop.

Design/Appearance

- The Railway Street frontage is blunt and enclosing and the council should insist on the architectural development of the highest quality
- Bigger blank wall completely out of character with the site's conservation area status. Should be improved
- Building had so little merit that consent was granted for its demolition
- To leave Hertford East Station and be faced with Tesco lego brick style as first view of Hertford is pretty depressing
- Need to manage litter generated around the site
- No measures to reduce energy and water use

5.6 One letter in support of the proposal has said that they drive to Brookfield

Farm and that if a decent Tesco store was available then the town would retain its resident's who wouldn't drive elsewhere.

6.0 Policy

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

- SD1 – Making Development More Sustainable.
- TR1 - Traffic Reduction in New Developments.
- TR7 – Car Parking Standards.
- STC1 - Development in Town Centres and Edge-of-Centre
- ENV1 – Design and Environmental Quality.
- ENV2 – Landscaping
- BH5 – Extensions to unlisted buildings in Conservation Areas.
- BH12 - Development Affecting the Setting of a Listed Building
- IMP1 - Planning Conditions and Obligations sets out the policy to secure appropriate contributions via conditions or S106 agreements for provisions related to new development

6.2 In addition to the above it is considered that national guidance in

Planning Policy Guidance 1 - Delivering Sustainable Development),
Planning Policy Statement 6 – Planning for Town Centres
Planning Policy Guidance 13 – Transport
Planning Policy Guidance 15 – Planning and the Historic Environment

are considerations within this application.

7.0 Considerations

Principle of development

7.1 The store is established at this site and in broad planning terms there is no objection to its further extension subject to detailed planning considerations such as design, impacts on the conservation area, provisions for sustainable transport modes, neighbour amenity and satisfying the tests of PPS6 including the impact on the existing town centre,

7.2 Although internal alterations of themselves may not require planning permission; I consider it appropriate to consider the application with regards to the full additional sales floorspace consequent upon the rear extensions which it will enable.

7.3 Conscious of the poor appearance of parts of the existing store and the

impact of car parking on neighbour amenity by the operation of the existing store, which was not originally designed as a 24 store operation in 1987, the applicant has broadened the proposal to allow for suggested improvements and planning obligations and conditions that address these issues.

7.4 The main planning issues in the consideration and determination of this application are:-

- Whether the proposal satisfies the PPS6 tests of scale, sequential preference, impact on town centre and the quantitative and qualitative retail need justification for the store in an edge of town location (Policy STC1)
- Whether the development preserves and enhances the appearance and character of the Hertford Conservation Area (Policy BH6) and is of a high standard of design that reflects and promotes local distinctiveness. (Policy ENV1, ENV2)
- Whether the development respects the setting of adjacent listed buildings in particular those at Christ Hospital and Hertford East Station (Policy BH12).
- Whether the service yard arrangements have unacceptable implications for the use of the highway or increases disturbance to nearby residents
- Whether the scheme overall is acceptable in its impacts on the amenity of adjacent residents (Policy ENV1)
- Whether there is adequate provision for car parking and encouragement to access the store for pedestrians, cyclists and passenger transport users (Policy TR1)

PPS6 Tests

7.5 The application has been thoroughly appraised against the tests of PPS6 by the Council's consultants Chase and Partners. A further submission of the retail assessment was necessary to clarify the need and the impact of the store extension when combined with the potential of a new Sainsbury's store at Hartham Lane. Broadly, their conclusion is that all the national tests of PPS6 are satisfied and that the scheme should be considered acceptable as a relatively modest increase of floor area, albeit that 588sqm is a 27% increase in the store's trading area. The combined quantitative need for the extension and the potential floorspace at Sainsbury's is identified up to 2012 and has been broadly agreed by the three retail planning consultants acting for East Herts, Sainsbury's and Tesco.

7.6 Chase had initially been clear that the **scale** of the extension was not

objectionable and that there were no **sequentially preferable** sites capable of accommodating the proposed development. While I note that some objectors suggested the former Woolworths store in Maidenhead Street could be used by Tesco to accommodate new comparison goods lines this is not grounds for objection. Firstly, that store is now occupied and therefore not available, but secondly and more importantly PPS6 says that operators cannot be expected to disaggregate their operations. Tesco have referred to Inspectors' planning appeal decisions that make that point quite explicit.

- 7.7 Chase have discussed the fact there has been some modest variation of the **quantitative need** identified by Tesco's consultants whose estimates of capacity exceeded those of Sainsbury's consultants; however at the recent Planning Inquiry it was acknowledged that Indigo Planning (for Sainsbury's) had not allowed for increases at Waitrose with Sunday trading and had used a company average for Marks and Spencer's thereby underestimating capacity. Chase therefore see no basis to object on grounds of need even when combined with the new Sainsbury's and I therefore cannot see how objection could be sustained on the question of need.
- 7.8 Tesco argue that there would be a **qualitative need** and benefit of the extension even if the Sainsbury's store gets permission. The internal changes, which will provide wider aisles and a new middle aisle, are to aid customer circulation and reduce in-store congestion. I accept this although as most of the Tesco store's current overtrading problems would be addressed by the Sainsbury's store drawing trade away then I do not see that this as a major factor in favour of the extension and to some extent the lack of space is a symptom of the high level of demand and overtrading. The retail assessment submitted suggests that even with a Sainsbury's store opening, the use of Tesco would still slightly exceed company averages. Chase accept that there will be some modest qualitative benefits and given this there is felt to be no grounds to refuse the application on this point.
- 7.9 Chase have expressed their view that the combined **impact** of the extension and new Sainsbury's on the overall health of the town centre is likely to be marginal. They would not rule out some impacts on individual operators. They advise that the offer to limit the level of comparison goods sold provides reassurance that the role of the store would not fundamentally change. Taking this into account, and as the store's major competition will be directly with Sainsbury's, they advise the extended store is not likely to cause demonstrable harm to the vitality and viability of the town centre.
- 7.10 Given the poor health of the retail sector at present within the current economic recession, it is understandable that there are concerns such as

from the Town Council about negative impacts on the small independents and other retailers in the town centre. The Council has been advised by its experts that this reason could not sustain a refusal of the application.

- 7.11 Nonetheless, Chase have still not agreed that the linked trips to the town are as high as Tesco maintain, 44 % to 54%. They have made some valid criticisms of this estimate which have not been rebutted. Chase's own estimates, agreed at the Sainsbury's Inquiry, were that a level of linked trips of 22 to 29% was more likely. This casts doubt on the supposed level of benefits of a larger store generating linked trips and spending in the town centre. While there is not a clear objection on impact grounds, and the expert advice is that there will be no demonstrable harm to the town as a whole, there must be a level of caution in the current economic climate. I therefore consider the issue of impact on individual operators to be a lingering concern and an aspect that should be weighed against the other planning considerations of the application as proposed.

Conservation Area/Setting of Hertford East Station

- 7.12 The proposed design of the rear extension was a matter raised as a concern from the outset with Tesco. During the previous application proposals the existing store's design and appearance, in particular its northern wall elevations, was commonly acknowledged to be poor and to detract from the Conservation Area and the setting of the Hertford East Station.
- 7.13 The applicant originally argued that the new design of the building was discreet and the change to the surroundings immaterial. My view is that in circumstances when existing buildings detract significantly from the appearance or character of a Conservation Area then the onus must be on related new development to seek to address this harm and secure a positive enhancement of the site, subject to measures which are reasonable and proportionate to the scale of development proposed.
- 7.14 Following discussions, Tesco have agreed to enter into a legal obligation to fund £20,000 for a community arts project to be undertaken on the widened brickwall opposite the Hertford East Station and returning this onto the Mill Road frontage at the north west corner of the building. The brief for this project would set the broad principles for the work e.g. that it be of high quality and respectful of its situation and historic context. The Council's Arts Development Officer is very supportive of the initiative and has drafted the scope of a project that would involve local arts groups, residents and schools under the guidance of a professional artist.

- 7.15 While the final art outcome cannot be known at this stage, the likely prospect is a solution that secures a very positive enhancement of the local situation addressing an existing bland and uninteresting built form. Furthermore, the applicant has agreed to use new landscaping and public realm improvements to the west side of the store on Mill Road which can soften the appearance of the remaining brick facades thereby reinforcing the enhancement of the surroundings. New car park landscaping is discussed below but this will preserve the established level of tree cover for the site.
- 7.16 I therefore conclude that subject to these provisions, to be secured by planning conditions and S106 obligation, that the proposals are acceptable on design grounds in accordance with Policies ENV1, ENV2, BH5, BH6 and BH12 of the Local Plan and can secure a positive enhancement of the site and this part of the Conservation Area and the setting of the Hertford East Station in accordance with national guidance in PPG15.

Service Yard

- 7.17 A number of objections have been received from local residents which identify an existing problem of lorries waiting outside the service yard on Railway Street. The matter has been investigated carefully by the highways officers. A plan has been submitted of the service yard for a clear area to be identified and maintained free of obstruction that will allow unfettered use of space for turning delivery vehicles, in this case 16.5 m articulated lorries.
- 7.18 Lorries waiting outside the service yard have brought obstruction to the highway impacting on pedestrians, cyclists and other users in this area. As the service yard contracts in area then it is important to see that measures are put in place to address this problem as far as possible.
- 7.19 Tesco have agreed to submit a service yard management plan, part of which should be to ensure that the gates are opened ready for approaching delivery lorries and avoiding the need for waiting outside on Railway Street.
- 7.20 The numbers of deliveries is likely to change only marginally with the proposed development, County Highways have assessed this at one extra delivery per day. Currently the maximum number of deliveries in a day is 16 although this varies significantly through the week. Tesco were asked to consider limiting the hours of delivery to avoid overnight lorries, records indicate 2am and 4am deliveries, but have been unable to agree to this for operational reasons. Although a night-time restriction may be desirable, given the relative lack of changes to delivery numbers as a consequence of the application, by comparison with the current situation, I do not think it

would be justifiable to insist on a time restriction as part of this proposed development.

- 7.21 Overall the provisions for the service yard appear to offer some benefits related to the existing controls and there is no objection to the development on this basis.

Neighbour Amenity

- 7.22 The increase in the size of the store is approximately 27%. Tesco do not think this will generate more visitors but that customers will stay longer. However I am inclined to agree with the Highways view that a larger store will inevitably pull in more customers, estimated at up to 52 trips per hour at peak times. The increase may be more noticeable at the current quieter periods.
- 7.23 The store was never designed or proposed as a 24 hour operation when it was first allowed at a planning inquiry in 1987 and therefore there was no planning condition restricting its becoming a 24 hour store. This has had significant consequences with added disturbance for nearby residents in Villiers Street.
- 7.24 Tesco has agreed that as a part of the proposed development they will close off the eastern end of the car park at night nearest to residents in Villiers Street who back onto the site and are most affected by night time activity in this area. This will be secured by the S106 planning obligation. There are some barriers in place already to enable this. Additional barriers and posts will be required and the use of the Ware Road exit will be closed at the same time period between 10pm and 7am. Overall there should be a significant improvement to the noise situation for neighbours as a result of these measures and this is therefore a positive material consideration in favour of the planning application. I therefore see no grounds for objection on the basis of adverse neighbour impacts and in fact acknowledge that the application provides benefits in this respect.

Parking/Sustainable Transport

- 7.25 The proposed extension of the store is not accompanied by any increase in the provision of car parking which overall remains at 283 spaces. This is partly because there is no way of extending parking in an appropriate manner. When approved in 1987 the store was designed with an excess of car parking to encourage its dual role for shoppers would be able to park and make a combined journey into the town centre as well as shop at the Tesco store. When considered against the current adopted standards

recommended for an A1 store of this size, there is scope for the car parking to be reduced in extent, although this might have implications for its role in providing for town centre parking.

- 7.26 The use of the car park originally allowed for 3 hour free parking but this has been reduced to 2 hours free parking. Tesco have been asked whether the 3 hour free parking could be reintroduced, perhaps as part of a chargeable regime which allows refunds of parking for store customers. However they have only indicated that they will accept a commitment to retaining 2 hour free parking as a planning condition. Although fines for overstaying are punitive (£70) Tesco do not propose to amend charges or introduce rates for longer stays as requested by officers.
- 7.27 The use of the car park could be affected by a new Sainsbury's store and the forecast diversion of customer trade. This might provide an opportunity for a 3 hour parking regime. The applicants own survey said that 34% of their customers would be more likely to visit the town if allowed to stay for longer. While desirable, this is not on offer by the applicant. In the context of the more limited scope of the current application I consider the 2 hours period to be acceptable and provides an element of protection to support continued linked town centre trips.
- 7.28 Policy TR1 of the Local plan in accordance with national guidance in PPG13 says that new developments should promote alternatives to the private car. The store has reasonable links on foot but these need safeguarding and can also be improved. Tesco will agree to improve the arrangement for pedestrians by providing an improved route from Ware Road at the car park exit, this is already used but its existing design has been criticised as a hazard.
- 7.29 A condition is also agreed to retain the pedestrian routes around the site including from Railway Street during the day. Furthermore a new store entrance in the south west part of the building will make the store more convenient to pedestrians arriving from Mill Road and the town centre. This is agreed in principle with details to be subject to planning condition. Such a link would benefit those walk-in customers arriving from Hertford East station and expanding housing areas nearby including those to the north in Mead Lane.
- 7.30 Indicative plans have been submitted of a revised car parking arrangement that have been supported by your officers and highways officers. As a part of the redesign there will need to be resurfacing of the car park and replacement of existing trees. In the short term the tree loss will be noticeable but there will be an improvement over the long term. Although of

some size, the lack of proper ground conditions for existing trees is causing heave within the car park and is a problem that needs addressing in any event. The acceptable appearance of the car park in the conservation area depends on an adequate level of tree cover. The indicative plans allow for a greater number of new trees to be planted around the car park than the number of trees to be removed, 26 new trees in proper tree pits or planting areas will replace 14 trees that need to be removed in the car park. Full details of this will be secured as part of the proposed conditions.

- 7.31 In accordance with the recommendation of County Highways the applicant has agreed to make a contribution to funding sustainable transport provisions within the vicinity of the site of £52,000 under a S106 obligation.
- 7.32 Overall the proposal offers appropriate provisions to enhance access for pedestrians and cyclists and is therefore considered to be acceptable and is recommended for approval subject to the recommended conditions.

Sustainability/Energy Use

- 7.33 There is a recently registered separate planning application for a Combined Heat Power and Cooling Plant on the roof of the store building (Ref: 3/09/1694/FP). This is yet to be determined. It is part of Tesco's national carbon reduction policy. The unit would enable the more energy efficient operation of the building providing the store with 60 to 70% locally generated energy and reducing carbon emissions by 6 – 15%. In accordance with local plan policies it is recommended that this, or such suitable alternative as may subsequently be agreed, be required as part of the proposed development in the interests of energy efficiency and sustainability.

8.0 Conclusion

- 8.1 The proposed extension is for an edge of centre store and has been assessed against the national tests of PPS6 and broadly found to satisfy these. The potential combined impact of the Tesco extension with a possible new Sainsbury store were it to be allowed is an understandable concern raised by the Town Council and other objectors given the current incidences of shop vacancies in the town centre. The expert advice received is that while some individual operators may be affected overall the vitality of the town centre will not be harmed.
- 8.2 Given the present lack of controls on the retail use of the store, the proposed condition to control the level of comparison goods is a welcome part of the application. Some measures to protect and promote a parking

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regime that supports linked trips have also been agreed by the applicant. This should address the main concern about the impact on the town centre when combined with a new Sainsbury's.

- 8.3 The application proposes wider measures that are agreed to provide for enhancement of some of the key elevations and spaces around the store and measures to protect the amenity of nearby residents. In particular the arts project for the blank brick facades walls that face Hertford East Station at the north end of the site and the landscaping of the Mill Road public space will be able to improve the quality of the public space around the site and secure the enhancement of the Conservation Area. The closing of the eastern end of the customer car park at night will bring significant benefits to nearby residents. The redesign of the car park is likely to provide a more convenient and pedestrian / cyclist friendly layout as well as addressing the need for a replanting schemes across the area of the car park.
- 8.4 On balance therefore, subject to the proposed S106 agreement and planning conditions, it is recommended that planning permission be granted.