

3/15/0149/FP – Part demolition and refurbishment of existing garden centre with café extension; erection of foodstore (approx. 2,047 sqm net sales) with café and external seating, extended service road, new roundabout from Amwell Hill and other associated highways, servicing and landscaping works, Van Hages Garden Centre, Amwell Hill, Great Amwell, Ware, Hertfordshire, SG12 9RP for Van Hage Garden Company Ltd

Date of Receipt: 26.01.2015

Type: Full – Major

Parish: GREAT AMWELL

Ward: GREAT AMWELL

RECOMMENDATION:

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

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. The proposal would result in harm to the openness of the Green Belt and the rural character of the site conflicting with the purposes of including the land within the Green Belt. The proposal is therefore inappropriate development and compounded by additional harm to the Green Belt and other planning harm. The very special circumstances required which would clearly outweigh the planning harm are not considered to exist in this case. The proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and national planning guidance in section 9 of the National Planning Policy Framework.
2. There is no identified short or medium term need for new convenience retail development in the district as a whole or within this part of the district. The proposed out of town development will be likely to result in significant adverse impacts on the existing town centres of Hertford, Ware and Hoddesdon. There is a sequentially preferable option for town centre development in Hertford Town Centre and the retail impacts of a grant of planning permission at the application site would be harmful to the vitality and viability of existing town centres. The proposal is therefore contrary to local plan policy STC1 and STC6 of the East Herts Local Plan Second Review April 2007 and national planning guidance in section 2 of the National Planning Policy Framework.
3. The proposed development by its location, layout and content is unable

to, and fails to encourage, the use of sustainable transport modes i.e walking, cycling, passenger transport. It would increase the need and demand for private car use and would result in the provision of essential shopping services in a location hard to access for some sections of society. The proposed development is thereby considered to represent an unsustainable form of development, contrary to Policies SD1, SD2, TR1, TR4 and TR12 of the East Herts Local Plan Second Review April 2007 and national planning guidance in section 4 of the National Planning Policy Framework.

4. In the absence of adequate mitigation for sustainable transport modes and a well-developed and persuasive Green Travel Plan strategy the local planning authority cannot be satisfied the development would not result in unacceptable impacts on the safe and convenient use of the public highway. The proposed development is thereby contrary to Policies TR4 and TR7 of the East Herts Local Plan Second Review April 2007.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. Any extension of time to improve detailed aspects of the proposal would not overcome fundamental policy objections. Therefore, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

_____(014915FP.TH)

1.0 Background

- 1.1 The application site is shown on the attached Ordnance Survey plans. It comprises the site of the Van Hages Garden Centre with access from Amwell Hill, the A1170. It is located on the edge of the village of Great Amwell and lies in the Metropolitan Green Belt between Ware and Stanstead Abbots. One part of the site is defined as a Major Developed Site, this follows the external limit of the Van Hage buildings.
- 1.2 The site extends to 10.5 hectares and comprises the existing Garden Centre buildings and outdoor sales areas, ancillary restaurant, offices service yard and warehousing. There is a car park with 860 spaces. The site also includes ancillary leisure experiences such as a mini zoo,

3/15/0149/FP

miniature railway and the seasonal Ice Rink from November to January. The existing buildings are largely single storey and low profile in scale.

- 1.3 The wider site surroundings are mostly open woodland and greenfields with some sporadic development; residential properties follow the line of Amwell Hill to the north and south of the site. There are public rights of way too; Bridleway 47, which follows Walnut Tree Walk on the northern edge of the site, and Footpath 47 which follows its southern boundary.
- 1.4 The proposal is a resubmission of plans that were withdrawn last year prior to consideration of a report to the 10th December 2014 Development Management Committee. The proposal is submitted with a few minor amendments and submissions to rebut earlier objections but is largely the same proposal. The changes relate to a revised cycle parking location, further Highways Works and a Security Statement. The proposed development comprises firstly, the reconfiguration of the existing Garden Centre with a new frontage to the Van Hages building, existing 5,042 sqm gross and provides a new Café Extension, 719 sqm, and secondly, to provide a new Foodstore (indicated to be for Waitrose) 2,047 sqm net (3,503 sqm gross) alongside it. 100 new jobs may be provided as part of the proposal. Although it is understood that the proposed retailer in this case is Waitrose, and this report refers to that company, Members are reminded that the application seeks permission for the foodstore use itself and not for any specific occupier. The brand or identity of the occupier is not a relevant planning consideration. Any A1 permission granted would run with the site, and could therefore be implemented by any food or non-food retailer. Infact there would not be a sustainable planning reason to restrict the occupancy.
- 1.5 The service road would be extended around the south side of the site to access a new separate Service Yard for the foodstore. 3m close boarded fencing is indicated along the service road. The Plans show the retention of the miniature railway and mini zoo. The applicant has stated the Ice Rink, a temporary facility, will be re-provided within the area south of the store bounded by the extended Service Road although no location is marked on the submitted plans. The plans suggest an extension of the external sales area for Van Hages on the south side within an area bounded by the service road, presumably to compensate for the area lost to the proposed foodstore.
- 1.6 896 spaces for car parking will be provided, an additional 36 spaces above the existing provision by implementing in full the area of the 2002 planning consent. Access to a potential overflow parking field north west of the site is indicated on the plans although this is in Officers'

3/15/0149/FP

view not an approved parking area, a point of contention with the applicant who believe it to be authorised by the 2002 permission (Ref: 3/02/0814/FP). The applicant states the overflow car park would hold 200 additional cars. 14 Sheffield stands, 28 cycle spaces will be provided at the front of the site and 12 in the rear yard. 54 disabled and 18 parent and child parking spaces are proposed.

- 1.7 The applicant states that Van Hage would not expand the range of retail products sold at the site, although Officers note that the existing store, is not subject of restrictive conditions on the range of goods sold. The applicant has argued that Van Hage needs to align the site with their flagship store in Peterborough, the Van Hages Peterborough Garden Park, which is a more innovative shopping experience. Waitrose have been searching for a new larger store in the Hertford / Ware area for 10 years. They consider there is a good synergy of customers between Van Hage and the new Waitrose operation and anticipate a high level of linked trips. The submissions, and more recent press statements, state that Waitrose is to leave its store in Hertford Town Centre; although the retention of a *Little Waitrose* at the existing Hertford site was referred to in the submitted documents but less has been made of this in recent statements.

2.0 Site History

- 2.1 The site has grown significantly from its origins in the 1960's as a plant nursery. The most relevant planning history for the site is set out here:
- 3/70/2505 Garden Centre approved.
 - 3/90/0594/FP Extensions to indoors and outdoor sales approved.
 - 3/95/0716/FP New café and courtyard. Approved.
 - 3/02/0814/FP Reconstruction and expansion of car park. Approved July 2002
 - 3/05/0240/FP Extension of outdoor sales area. Approved March 2005.
 - 3/12/1294/FP Temporary Ice Rink. Approved
 - 3/12/1795/CL Certificate of Lawfulness. The existing use or development of land and buildings within Class A1. Approved.
 - 3/14/1708/FP Café Extension, erection of foodstore (2047sqm) with café and external seating, extended service yard, new roundabout and other associated highways, servicing and landscaping works. Withdrawn

3/15/0149/FP

- 2.2 The current application is virtually identical to the scheme recently withdrawn but for some amended Highways details, amended cycle parking and suggestions of a 200 space overflow car park.
- 2.3 The Certificate of Lawfulness granted is for Class A1 use but only for a restricted part of the site, including both open land and buildings. It extends over a wider area than the Major Developed Site Designation.
- 2.4 The Car Park expansion approved in 2002 provided for over 1000 spaces but fewer were implemented and not across the whole approved area. A small remaining corner for 36 additional spaces is to be laid out as part of the current application. Given contradictory statements in the application, clarification is sought about the provision of a further 200 spaces beyond the north west corner of the site in an “overflow area”.

3.0 Consultation Responses

- 3.1 The Council’s Environmental Health Officer on the previous application recommended conditions on working hours, soil decontamination and piling.
- 3.2 The Environment Agency have no objection to the plans subject to a planning condition to agree a surface water drainage scheme for the site.
- 3.3 The County Highways refer to progress on technical issues of the application but have recommended refusal of permission for 3 reasons. This is reduced from the 8 reasons set out during the consideration of the earlier application. 1. That the impact on the Amwell Roundabout in terms of capacity is unclear. 2. That the impact on the A1170 / A119 roundabout is ‘severe’ in the absence of approved sustainable transport measures. 3. That insufficient information is submitted to demonstrate that the site is sustainable in the context of the NPPF para 32 and 35 and specifically that the level of contributions is not in accordance with Herts County Council planning obligations toolkit and that the Travel Plan does not comply with HCC guidance.
- 3.4 They explain that the new roundabout has been amended to address safety concerns, but that the capacity model has not been revised to assess the impacts. With regards to Sustainable Transport Contributions they have suggested for negotiation a sum of £375,000 based on the projected trips although the current offer is £17,000 and the upgrading of two bus stops. With respect to the Travel Plan although improved, the applicant has been unwilling to accept absolute

3/15/0149/FP

numerical targets relating to car trips. Quantitative targets are needed in terms of increasing alternative transport modes. The Travel Plan only says that home delivery will be offered “subject to commercial viability considerations” and no details are agreed on the marketing of this.

- 3.5 The Council’s Engineer has commented that the site is within Flood Zone 1. He has noted some loss of permeable areas in the vicinity of the Zoo. There is a lack of detail of how the drainage system will operate and be maintained. A degree of betterment by addition of SuDs features such as Bio Retention area in the car park, conveyance swales and green roofs on new buildings could be provided with additional landscape and wildlife benefit.
- 3.6 The Council’s Planning Policy team advised in respect of the previous application that the development is not limited infilling and would conflict with the openness of the Green Belt. The site is outside of any centre and relatively inaccessible by passenger transport or for pedestrians and cyclists. The withdrawal of Waitrose, a key anchor store in Hertford, would present a risk of a dramatic decline in its vitality. The loss of the store undermines the Council’s wider regeneration strategy for Hertford Town Centre and also the proposed redevelopment of Bircherley Green. Studies of retail needs up to 2031 have all advocated meeting future needs in a “town centre first” approach. The proposal is contrary to the NPPF, the Local Plan 2007 and the intended direction of the emerging District Plan.
- 3.7 The Hertfordshire Constabulary have concerns that the hostile vehicle mitigation would include bollards at 1.5m centres when to achieve certification they must be placed at 1.2m centres. With regards to fencing they recommend weld mesh rather than palisade. The former is more aesthetically pleasing and palisade can be breeched easily. An informative is requested as the applicant intends to contact the Police Crime Prevention Design Advisor to achieve Secured By Design accreditation.
- 3.8 English Heritage have no comment on the proposal.
- 3.9 Natural England refers to previous comments, that the site is in close proximity to the Amwell Quarry SSSI. If carried out in accordance with the details submitted it is not likely to have a significant effect on the interest for which Lee Valley has been identified.
- 3.10 Herts Ecology have commented on the two submitted ecological reports that no habitats of value will be lost. They request an informative to avoid tree removal during the breeding season for nesting birds; that

3/15/0149/FP

lighting be designed to minimise light spill and landscape planting incorporate native species.

- 3.11 Peter Brett Associates, engaged by the Council to provide expert retail advice, have maintained their original advice that the scheme fails the sequential and impact tests and is not in compliance with the NPPF or East Herts Local Plan Policies STC1 and STC6. The Van Hage site is poorly connected to the surrounding towns, has limited public transport connectivity and there is a site in Hertford that could accommodate the scheme. While the turnover of the new store is underestimated, and trade draws incorrectly applied, even with this, the submission highlights high levels of impact on key town centre stores, particularly Tesco in Ware, Waitrose in Hertford and Sainsbury's in Hoddesdon. Indeed the ongoing viability of the Tesco and Sainsbury's stores could be undermined. They reject the applicant's assertion that impact on individual stores is not a consideration, the performance of anchor stores is essential to the vitality and viability of the town centres.
- 3.12 The Van Hage Waitrose application would undermine the delivery of the proposed Bircherley Green development as there is no surplus convenience expenditure to support another major supermarket in the catchment. There would be a significant negative impact on the vitality and viability of the town centres of Hertford, Ware and Hoddesdon. To illustrate this they estimate that the loss of £9.7M in turnover from Tesco in Ware represents approximately 111,500 lost trips to the town centre each year.

4.0 Parish and Town Council Representations

- 4.1 Great Amwell Parish Council previously objected to the development but now has no objection as long as there is no pharmacy, post office or doctors surgery within the store.
- 4.2 Ware Town Council objects, as it did before, that the proposal results in the loss of Green Belt, will increase traffic congestion particularly in Ware High Street and will impact on the viability of Ware High Street. If the application is approved they would seek Section 106 contributions to mitigate the effects on Ware High Street by road resurfacing, footway improvements etc. They also object to the impact on trade in Stanstead Abbots and that Gypsy Lane will suffer as a rat run.
- 4.3 Hertford Town Council reaffirms its previous comments that the supermarket proposal is totally inappropriate on a Green Belt site. Where a horticultural business could be compatible a supermarket is not at all. As an out of town supermarket the majority of customers will

have to drive thus increasing cars on busy roads. The Travel Plan would not realistically address the problem of the vast majority of customers driving to the store. The development will be detrimental to the viability of the neighbouring town centres and certainly not in the interests of Hertford or Ware town centres where trade will be taken away.

- 4.4 Stanstead St Margarets Parish Council have not commented although in the previous application objected to the proposal as contrary to Green Belt policy and that it flew in the face of helping town centres. They also had concerns about lack of car parking congestion at Amwell Roundabout unless controlled by traffic lights.

5.0 Other Representations

- 5.1 The application has been advertised by way of press notice, several site notices and widespread neighbour notification in Great Amwell. Advance publicity for the scheme also came as a result of the applicant's own public consultation work and local press articles. The applicant's Statement of Community Consultation, the survey from March last year, identified a significant level of support but some local opposition. 850 questionnaires were completed. 68 % of people visiting the site were in support and a further 15% supported it but with reservations. The most popular aspect of the scheme was the new Waitrose store mentioned by 80%, only 37% supported the new retail offer, and only 13% supported the additional car parking. Main concerns raised by the applicant's consultation were traffic flows on the A1170, the impact on Hertford, the change to the planning status of Great Amwell, that parking would not be free, the possible loss of existing leisure uses and the difficulty of access for pedestrians. As a response more pedestrian crossing points at the entry roundabout were introduced and a commitment to keep free parking and to explore the possibility of retaining a presence on Hertford.
- 5.2 In response to the publicity on the current planning application, at the time of drafting, 37 letters have been received, a similar number of representations to the last application. Of these there are 35 letters of objection, and 2 in support.
- 5.3 The Amwell Society (244 Members) refer to a split vote taken with 65 Members in favour and 75 Members against the proposals. Their concerns centre on the impact on the village, the overused A1170 divides it with a high risk to pedestrians and cyclists from speeding traffic. They request short lighting columns to reduce light leakage. They support the Officer view that close boarded fencing would impact

on the openness of the Green Belt. Added congestion leads to rat running though Gypsy Lane and Cauthery Lane and Lower Road /Amwell Lane. The additional 30 parking spaces cannot be sufficient. If approved they seek a number of planning conditions to ensure better provision for cyclists and pedestrians (wider footways on Amwell Hill and 2 Zebra crossings), restriction on any pharmacy, post office or doctors and a condition that the store could not operate as a non-food store. Traffic speeds reduced to 30mph and for no closure of local lanes.

- 5.4 No letter has been received this time but on the previous application the owner of Byfield Nursery (approx. 200m south of Van Hages) and Crest Nicholson wrote in support of the scheme for its greater consumer choice and new job opportunities. They seek to promote the village of Great Amwell as a Group 1 village in the District Plan, as a sustainable location for retail and residential development, and refer to their plans for 80 new family homes at the Nursery. The Waitrose / Van Hage proposal would greatly enhance the villages services.
- 5.5 The Chairman of the Parish Council has written in an individual capacity. He considers there will be a significant increase in traffic and changes to opening hours which will result in noise and light pollution until 10pm. While he would find it more convenient to shop at Van Hage with Waitrose, as a customer of both, the detrimental impacts will far outweigh the benefits.
- 5.6 Hertford Civic Society reiterate previous objections that the scheme is inappropriate, it fails to demonstrate very special circumstances for development in the Green Belt and would impact on the viability and vitality of Hertford Town Centre. It would occupy land that is not built on and have a greater impact on the openness of the Green Belt. Openness does not depend on visibility and the appellant's comment on this misses the point. The counsel opinion does not support the applicant's argument and the phrasing is speculative. The argument that stacking of pallets is uncontrolled at the site is a 'red herring' as the store would not display goods in this way. The increased intensity of more people, more lorries, cars and lighting etc all erode the openness and character of the Green Belt. The scheme conflicts with 3 purposes of including land in the Green Belt. Documents show an excess of gross and net retail provision in Hertford and Ware up to 2026 so there is no retail need. They believe the assessment of a 4% trade draw is flawed for varying reasons and that Waitrose should be negotiating with the owners of Bircherley Green to secure enlarged premises with an improved car parking facility.

- 5.7 The owners and promoters of the Bircherley Green (BGSC) redevelopment scheme, which was subject of public consultation in summer last year, have made a detailed objection to the retail aspects of the scheme essentially that grant of planning permission fails to comply with the Sequential Test and that it will have a significant adverse impact on the vitality and viability of the Town Centre contrary to the Local Plan STC6 and the NPPF. Their own scheme has been delayed to facilitate discussion with the Council and Hertfordshire County Council about the relocation of the bus station. The Van Hage planning application and prospective occupancy is a significant threat to the scheme as it would remove a key tenant from their scheme and result in a wider reduction in the attraction and marketability of BGSC to alternative anchor food tenants. This would be due to the increased out of centre competition and a lack of confidence in the Town Centre as a trading location and it being susceptible to further out of town scheme. They consider there to be clear evidence of significance adverse impacts on the Hertford Town Centre and stand by their previous assessment that The Retail Assessment submitted was flawed as it assumes Waitrose will be open in 2018 whereas if closed the trade diversion increases significantly to £15.4M or 20%, solus impact, and to £23M or 27% cumulative impacts. The BGSC continues to represent an available, suitable and viable site for a new main food store to serve Hertford and surrounding communities with flexibility as required by the NPPF. The proposed Great Amwell Scheme therefore fails the Sequential Test. If permission is granted at Great Amwell then this will prevent the BGSC scheme from proceeding and the alternative is likely to be a limited refurbishment of the centre.
- 5.8 Councillor Mayes has objected that traffic delays will increase traffic on Cautherly Lane and Amwell Lane and extra opening hours will result in an urban development and the loss of the rural nature of the locality and Green Belt land.
- 5.9 Objectors to the scheme explain a number of detailed issues of concern as follows:

Green Belt

- Contrary to Green Belt and no very special circumstances to justify. These do not exist unless the harm by inappropriateness, any other harm is clearly outweighed by other considerations.
- Harmful to Green Belt openness.
- Ministerial Statement of Jan 2015 reaffirmed protection of Green Belt

3/15/0149/FP

- All business like to be supported but this does not provide very special circumstances as they apply to all commercial development.
- The footprint proposed is far larger than the existing. Buildings are clearly disproportionate to the existing.
- Contrary to GBC1. Retail expansion is inappropriate.
- Harmful to the green buffer between Ware and Hoddesdon.

Retail

- Contrary to the town centre first policy of government and national planning guidance on sustainable development and town centre vitality.
- There is no need for a store. There are many stores nearby, six in Hoddesdon, two in Ware, four in Hertford and one in Stanstead Abbots.
- Supermarkets are best sited in town centres, and on brownfield sites
- Small percentage of linked trips 10%. Much less than in town centres.
- People can walk to the existing Hertford store and will visit other shops but the proposed store means people drive elsewhere.
- Supermarkets monopolise our High street and now wish to destroy Green Belt too.
- The site will become a second Brookfield, an out of town “town centre”.
- Results in vacancy and boarded up shops in towns. Town centres are at the heart of our towns and need support.
- Would be harmful to Ware and Hertford town centres.
- Object that it would lead to further planning submissions by Next, Boots, WH Smith, Mobile phone shops all drawn by its success etc. A full sized out of town retail park
- Surprising that Waitrose would leave Hertford. Their own Chief Executive said that shopping habits are changing and out of town supermarkets and weekly shops are a thing of the past; consumers are now buying on the go for the evening ahead. Newly built stores are being mothballed.
- Online retailers such as Ocado already cover the village

Parking

- The car park is inadequate and almost full at weekends.
- Not enough parking at Christmas and Bank Holidays and vehicles queue to get in.

Traffic/Travel

- Traffic will increase. The modelling is inadequate. Doesn't allow for Car Boot Sales. The new roundabout will increase delays
- Van Hages already attract 1 million visitors a year
- The site is poorly served by public transport. Not suitable for food shopping.
- Traffic on Amwell Hill is fast moving and the road is congested.
- There was a fatality on this road.
- Have been campaigning to get the speed reduced to 30mph but nothing will be done until someone is killed.
- 30mph speed will be safer and improve the character of the village too. Need speed cameras
- Insufficient provisions for pedestrians.
- Narrow footways force people to go in the road
- Two Zebra crossings needed at Walnut Tree Walk and Gypsy Lane.
- Increased hazards and accidents.
- Increased queuing at Amwell Roundabout.
- Estimates of traffic underestimated not just for main road but the traffic which cuts through on Madgeways Lane, Cautherly and Gypsy Lane. These are single lanes without pavements.

Leisure

- Van Hage is a lovely destination as it is, the development will detract from the site's leisure amenity.
- The supermarket will clash with the leisure function of the site

Neighbour amenity

- Lights currently stay on until 10pm. Can the hours be reduced?
- Prefer the limited hours of the leisure use. Usually quiet after 6pm.

Conservation

- Harmful to Conservation Area with increased traffic cutting through the village.

Misc

- Harmful to wildlife.
- Noise and pollution.

3/15/0149/FP

- Would impinge on the rural feel of Walnut tree walk which is a popular walkers route with a continuous stream of walkers.
- Driven by greed. Don't roll over to John Lewis. High End companies should not influence the planning decision.
- A line needs to be drawn. Van Hages have plans to develop land up to Hoe Lane.
- The consultation was flawed. Most people in the village oppose it. The support for the scheme was overwhelmingly from customers distant from Great Amwell.

5.10 The 3 supporting letters raise the following points:

- That they would be disappointed if the Council drove Waitrose away letting Tesco do as they like.
- There would be a gain of Waitrose jobs to the area.
- It would not be building on Green Belt land, but on land where Van Hages store their garden materials. It's not greenfield land.
- It will not have adverse impacts on Hertford, Ware and Hoddesdon.
- The application would only add a Waitrose and no other store so local residents do not need to fear a larger shopping centre e.g. Toys R Us.
- That they like shopping at both Van Hage and Waitrose, both stores suit each other.
- Hertford Waitrose shoppers can still use the new enhanced Waitrose store
- No loss to existing towns as Tesco, Asda and Sainsbury stores are there and cater for a different market of customer
- New roundabout would ease traffic congestion

6.0 Policy

6.1 The main relevant "saved" policies of the East Herts Local Plan 2007 Second Review are:

SD1	Sustainable Development
SD2	Settlement Hierarchy
GBC1	Appropriate Development in the Green Belt
GBC4	Major Developed Sites
TR2	Access to New Developments
TR3	Transport Assessments
TR4	Travel Plans
TR7	Car Parking Standards
STC1	Development in Town Centres and Edge of Centre
STC6	Out of Centre and Out of Town Retailing

3/15/0149/FP

STC7	Out of Centre - Limitations
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV4	Access to Disabled People
ENV11	Protection of Existing Trees and Hedgerows
ENV16	Protected Species
ENV23	Light Pollution and Floodlighting
ENV24	Noise Generating Development
IMP1	Planning Conditions and Obligations

6.2 The policy considerations of the National Planning Policy Framework (NPPF) in its entirety are of relevance but in particularly sections of relevance for this application are:

- 2 – Ensuring the vitality of town centres
- 4 – Promoting sustainable development
- 8 – Promoting Health Communities
- 9 – Protecting Green Belt land

6.3 National Planning Practice Guidance is also a planning consideration for the application. Paragraph 8 emphasises the Sequential Test and the need to guide town centre uses to town centre locations first, then to edge of town centre and then to out of town centre locations with preference for accessible sites which are well connected to the town centre.

7.0 Considerations

7.1 The second application submission is essentially that proposed last year. The proposed development is of significant scale and presents many detailed planning considerations, but the proposal presents immediately two key planning policy questions of principle:

- whether the development is appropriate within the Green Belt and if not whether there are the “very special circumstances” which clearly outweigh the harm by inappropriateness and other planning harm identified;
- whether an out of town retail development is appropriate having regards to the general provisions of National and Local Planning Policy to support the vitality and viability of Town Centres, broadly understood as the “*Town Centre First*” policy.

7.2 The other main planning issues of consideration in Officers’ view relate to:

3/15/0149/FP

- the acceptability of the scheme with regards to its impacts on the safe and convenient use of the highway;
- the acceptability of provisions for access to the site by sustainable transport modes;
- whether there is significant adverse harm to neighbour amenity;
- the visual impact on the existing landscape character of the area
- impacts on the village and its conservation area.

7.3 Submissions have, in your Officers view, clarified that the considerations of wildlife, flooding and drainage are acceptable or can be made acceptable by the use of relevant planning conditions.

Green Belt / Principle

7.4 The East Herts Local Plan Policy GBC1 sets out the current adopted plan policy for categories of appropriate Green Belt development. This makes no general provision for retail development. However there is provision for infilling at Major Developed Sites, as designated for part of the Van Hage application site wherein there may be some scope for appropriate development. Policy GBC4 states that

Major Developed Sites in the Green Belt and Rural Area Beyond the Green Belt are identified on the Proposals Map.

- (I) *Limited infilling at Major Developed Sites will amount to appropriate development, provided that such infilling:*
 - (a) *has no greater impact than the existing development on the purposes of including land in the Green Belt or on the character of the Rural Area Beyond the Green Belt;*
 - (b) *does not exceed the height of the existing buildings;*
 - (c) *will not lead to a major increase in the developed proportion of the site.*
- (II) *Redevelopment or partial redevelopment of a Major Developed Site should be accompanied by a planning brief and landscape scheme and:*
 - (a) *should have no greater impact than the existing development on the purposes of including land in the Green Belt or on the character of the Rural Area Beyond the Green Belt;*
 - (b) *sites within the Green Belt should make a positive contribution to*

the achievement of the aims and objectives listed in paragraph 4.1.1 of this Local Plan;

- (c) sites within the Rural Area Beyond the Green Belt should make a positive contribution to the aims and objectives listed in paragraph 4.1.1 of this Local Plan;*
- (d) should not exceed the height of the existing buildings;*
- (e) should not occupy a larger area of the site than the existing buildings (unless this would achieve a reduction in height, which would benefit visual amenity).*

7.5 Although this policy is 'saved' and part of the statutory Local Plan if there is a degree of conflict with the NPPF then the provisions of the latter must be given greater weight. The applicant has argued that policy GBC4 is superseded by the National Planning Policy Framework which sets out a slightly varied provision of appropriate development at para 89 which states that development is appropriate when it involves: -

"limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development". (para 89)

7.6 Whether the test of GBC4 is taken, or the wording of paragraph 89 of the NPPF, both identify the same question: namely whether the development will have a greater impact on openness and the purposes of including land in the Green Belt.

7.7 The proposed development includes the following elements which will, in your Officer's assessment, impact on the openness of the Green Belt:

- Provision of the new Waitrose foodstore building on the area of the existing open garden centre outdoor sales area. The building would be 5.6m high (8.1m at the entrance lobby) with a gross floor area of 3503 sqm.
- Provision of some replacement Van Hage buildings at a greater height than existing, 5.6m rather than 3.5m.
- Provision of an extended car park area, building out an additional 34 spaces within one corner of the site (even more so if a further 200 spaces on the adjacent overflow area are to be provided although this is being clarified)
- Provision of a rear service yard area that is secured by high fencing
- High 3m fencing to screen the extended route of delivery vehicles

3/15/0149/FP

- Increased vehicle parking and lorry parking associated with the increased use of the site
 - Provision of an extended rear external sales area
 - Re-provision of the Ice Rink and Circus in a location south of the store displaced by the new Waitrose food store
- 7.8 If car parking proved to be insufficient at the site then the future growth of car parking to areas north west of the site, referred to in the submissions, would also impact on openness. Highways have not raised parking provision as an issue with the site although if the overflow parking is not provided they would object.
- 7.9 The applicant has alleged in the previous committee report Officers did not consider Counsel opinion but this is not accepted. The Counsel advice in respect of the determination of the application and on Green Belt policy was fully appraised. Officers noted that it did not reach a firm conclusion of the issue of appropriateness. One argument of Counsel was that because the existing outdoor sales area is not restricted by planning condition as to the heights of pallet storage that could take place, then such an arrangement might be judged similar to the new store in its impact on openness. Officers considered this to be hypothetical and unsound as an argument and it should be noted that Counsel qualified his overall view by saying he was “not in a position to judge the impact of the proposed retail store and the service yards upon openness”.
- 7.10 Storage of pallets has never taken place at site in such a manner and if it did it is difficult to see how it could suit the current retailing operation. For instance it would introduce risks that impact on customers as well as provide a manner of operation that reduces the attractiveness of the retail environment for customers. It is not considered, therefore, that this is a realistic or appropriate “fallback” position in this case.
- 7.11 The NPPF sets out the 5 purposes of including land in the Green Belt (paragraph 80). Officers consider that the proposed changes at the site would have an impact on 3 of these purposes. There would be increased encroachment of countryside at the site as a result of the increased activity and expansion of the commercial activities and development; the character of the area would become less rural and less spacious within the strategic gap between Ware; Stanstead Abbots and Hoddesdon and this would conflict with the purpose of Green Belt to prevent neighbouring towns merging into one another; thirdly because the development would undermine private sector investment in retail and service development in the town centres of

Hertford and Ware and so the proposal undermines the purpose of Green Belt land to assist in urban regeneration.

- 7.12 For all the above reasons Officers are firmly of the view that the proposal amounts to inappropriate development within the Green Belt, that it is also harmful to openness as well as other harm on retail, sustainability and highways grounds and that there is accordingly a strong presumption against the grant of planning permission.

Green Belt / Other Considerations

- 7.13 The NPPF states that the essential characteristic of the Green Belt is its openness and permanence (para 79) and its fundamental aim is to prevent urban sprawl by keeping land permanently open. For all the reasons given already, Officers identify that there is harm to openness. The applicant argues that public views of the site are limited. However the further expansion at the site will be quite clear from outside the site as well as from within it which is also an area to which the public have full access. Furthermore the loss of openness does not make the development appropriate even if it is in a relatively well screened location.
- 7.14 The applicant maintains that lack of visibility of the site means there would be no harm to openness but this runs contrary to many decisions that Inspectors have made about such matters. A specific recent appeal decision in Great Amwell dismissed a proposal for 2 new dwellings on Green Belt grounds but also due to the harm by its impact on openness. That Inspector was very clear in his assessment of the issue of openness:

“There would be new buildings of significant size in the Green Belt that were not there before. There would be a loss of openness of the Green Belt, which, as stated in paragraph 79 of the Framework is one of the essential characteristics of the Green Belt. Openness implies the absence of development irrespective of the degree of visibility of buildings from public vantage points”

- 7.15 This decision was referred to the applicant for comment but no response has been made in the submissions, nor any further advice from their Counsel been sought. There are other Planning Inspectors' appeal decisions and case law which have made the same point.
- 7.16 Not only is there harm to the openness of this part of the Green Belt but the scale of development, both immediately and anticipated in the longer term, would reduce the rural qualities of the site and be harmful

to its character. Although it already includes a significant amount of building and hard surface areas, the site nonetheless still retains a character that relates back to its origins as a Garden Centre as well as green spaces that reflect the leisure role of the site. The spread of the service road and external sales area to the south will, to a degree, be screened by landscaping, but this is unlikely to be fully effective especially with native planting schemes. The provision of further lighting and possibly extended hours of use at the site will also result in a greater impact on the dark rural landscape. The extension of car parking as part of the scheme, whatever final level this may be at, will have similar adverse impacts.

Green Belt – Very Special Circumstances

- 7.17 The applicant argues that only parts of the scheme are inappropriate development, although it is your Officers view that the proposal as a whole is inappropriate development in the Green Belt. In accordance with the NPPF (para 87 -88) any harm to the Green Belt should be given substantial weight. Such development should only be approved in very special circumstances and these will not exist unless the harm by inappropriateness and any other harm is clearly outweighed by other considerations.
- 7.18 Counsel for the applicant advised, on the basis that the development could be inappropriate, that very special circumstances might include the jobs to be created; the need for retail development and the reduction in vehicle mileage that may result. The applicant has formally advanced the very special circumstances that the businesses of Waitrose and Van Hage would be supported; that economic growth and jobs would be created and that the transport impacts are sustainable.
- 7.19 The assessment of these factors is covered in other parts of this report, but Officers do not consider these justifications carry significant or overriding weight. There is no need for this retail development. The 100 new jobs promised by the new development have to be offset against the lost jobs within town centres and will also be in a less accessible or sustainable location. Promoting particular businesses and the creation of jobs could equally be advanced for any business wishing to develop a new retail or commercial outlet in a Green Belt location so the circumstance would be common to many types of development, giving weight to this would thereby undermine Green Belt policy. There are significant issues of harm identified to the Green Belt, Town Centres and Sustainable Transport which would not be clearly outweighed by these factors.

Retail Planning Issues

- 7.20 The revised application simply resubmits the earlier Retail Statement of the first application, slightly surprising given that there was a strong reason for refusal and evidence to back this up. If the applicant had wished to negotiate aspects of this with our Retail Advisers it was open for them to do so but they chose not to. As PBA point out further work should have been done on Sequential Sites for instance. A few points on the Assessment by PBA are made in the new application and these have been addressed.
- 7.21 The NPPF emphasises that planning should be plan led. Identified retail needs for the district are already being met, and actually exceeded, within the towns of Hertford and Ware with recent commitments such as the new Sainsbury's in Hertford and a new Asda in Ware due to open summer 2015. A small Sainsbury's local is also under construction in Star Street, Ware close to the town centre. All these locations are within proximity to existing town centres and have been tested on planning applications to show they will complement their role.
- 7.22 Up to date studies have been commissioned by the Council to look at future retail needs in the District and this evidence base will be brought forward in the policies of the new District Plan. The 2013 Nathaniel and Lichfield Study demonstrates that there is no identified short or medium term need for retail floorspace in the district. Local plan policies will aim to reinforce the vitality of town centres with retailing and other service activities in those areas.
- 7.23 As the NPPF also states, (para 23) Town Centres are the heart of our communities. The proposed application fails to respect the adopted or future local plan policies and is fundamentally at odds with its provisions. The proposed gross floorspace of the 2 units in the proposed application at 10,815 sqm would actually exceed the total net floorspace of 7,529 sqm for the 156 units in Ware Town Centre. It would undermine the plan led approach and also risks undermining confidence of investors in town centres. It is therefore contrary to the core land use planning principle that development should be "genuinely plan led" as required by the NPPF (para 17).
- 7.24 As mentioned previously, the retail submissions were assessed by Peter Brett Associates, external consultants on behalf of the Council for the previous application and they have confirmed that as the proposal is unchanged their conclusions and evidence still stand. As matter of detail they consider some of the figures to be misleading, for instance there is a significant underestimate of the turnover of the proposed Waitrose store by £1.3M. They point out that, as there is no surplus

3/15/0149/FP

convenience floorspace, in Hertford until 2031 and in Ware until 2026, the new food store would therefore draw its entire turnover from other catchment areas and centres.

- 7.25 Key anchor stores such as Tesco Ware, Waitrose Hertford and Sainsbury's Hoddesdon would see cumulative impacts of 33%, 24% and 23% respectively. While Waitrose in Hertford is overtrading and successful (Peter Brett have assumed Waitrose would remain in Hertford as per the retail submissions, although this is contradicted by a Waitrose statement) the impacts on Tesco, Ware and Sainsbury's, Hoddesdon could lead to closure of these key anchor stores for their respective town centres. In summary, they identify significant adverse impacts on the health of existing stores and town centres of Hertford, Ware and Hoddesdon.
- 7.26 With regards to the Sequential Test, Peter Brett comment that they consider the site an unsustainable location away from major towns and public transport interchanges. They consider that the Hertford Scheme for Waitrose does demonstrate a suitable alternative and point out that Wrenbridge, working for Bircherley Green owners, have a good track record of delivery. The applicant's case has not provided strong evidence of why the store has to be 2,047 sqm. Arguments about temporary closure, a shortage of car parking and limited space for servicing demonstrate a lack of flexibility contrary to the NPPF. They also comment that the residential element within the Wrenbridge scheme will support the vitality of the town centre. Given the out of town location of the proposal they believe other SHLAA sites with better connections to the town centres could have been included and a new application gave the time for this to be done. Officers agree with their conclusion that there is a Sequentially Preferable location for the proposed development as well as other untested alternatives, so the scheme is contrary to the provisions of the NPPF and adopted Local Plan.
- 7.27 Waitrose have stated that they would not consider an alternative store in Bircherley Green although this is contradicted by earlier comments that they would continue to secure a presence within Hertford. Officer's consider that the proper application of the 'Town Centre First' approach would require such an option to be considered fully and the applicants are being encouraged to engage with the current work on the Hertford Town Centre Urban Design Strategy, that is actively progressing, and which will inform the approach to new town centre retail provision in a sequentially preferable location.
- 7.28 The applicants in response to the draft 10th December Committee

Report on the withdrawn application have countered that retail need is not a test of the NPPF and that the impact on Ware and Hoddesdon is only 7% and 3%. This is not accepted. They repeat the view that the Wrenbridge scheme for Bircherley Green is not viable having met several times with the site owners although such meetings have informed the design of that scheme. Referring to historic consents and other out of centre commitments granted by the Council they argue that Waitrose requires a modern competitive store.

- 7.29 To this Officers would respond that Retail Need was advanced by the applicant's own Counsel advice as part of the "very special circumstances" for the development so given that the proposal constitutes inappropriate Green Belt development it is clearly relevant. It is also relevant in the wider context of plan led development. As PBA point out in the absence of need then any store will take trade from existing and committed stores. The impacts on anchor stores will also be to the towns by the loss of thousands of linked shopping trips and the associated spend. The impacts on Ware, Hertford and Hoddesdon are considered to be significant and adverse contrary to the NPPF.
- 7.30 A recent Ministerial Statement last month reminded local authorities of the town centre first approach and that applications which fail the tests of the NPPF should be refused. With regards to Wrenbridge it seems that there has been positive engagement last year to design a suitable and viable store. The consents granted in East Herts District have not been out of town centre or out of town, but in "edge of centre" locations so in planning terms they do not raise the same policy objections that apply to the current application. Ultimately the need of any individual business is not a material planning consideration and the merits of the application must be considered regardless of who the operator is. It is of note that there is much stronger support for Waitrose store than for new retail provision generally.

Transport and sustainability

- 7.31 The County Council made a number of objections to the first application and it was withdrawn by the applicants primarily to address these matters, notwithstanding the other Policy objection. The County Highways have advised of some progress on technical aspects of the scheme but not so much on broader policy issues and sustainable transport considerations. At time of writing this report there remains a Highways objection.
- 7.32 The site is located off a busy connecting A road between adjacent towns. This road separates the site from the centre of Great Amwell. It

is your Officers' judgement that this provides a hostile environment for pedestrians wishing to access the site with noisy, fast moving traffic and narrow pavements. Neither does the nature of the road encourage cycle use. The Amwell Society, with divided views on the application, makes a positive suggestion that the division of Great Amwell by the existing road be reduced with widening of the existing sub-standard pavements, zebra crossings at Gypsy Lane and Walnut Tree Walk and slower traffic speed limits (30mph) if the scheme is to proceed. However while the applicant supports a reduction this is not part of the application, or agreed in principle with County Highways, who could find such an approach problematic with their wider brief to manage vehicle capacity on the network and traffic flow.

7.33 The NPPF advises at paragraph 34 and 35

"Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised".

"...developments should be located and designed where practical togive priority to pedestrian and cycle movements, and have access to high quality public transport facilities".

7.34 The location of the site is distant from the nearest major centre of population in Ware, approximately 2km, which also discourages access on foot or by cycle. There are 9 bus routes along the A1170 road with a reasonable frequency of buses. The unsheltered bus stops are about 200m from the store entrance so within walking distance but I do not agree the applicants assertion the site is well accessed by buses and footways and no evidence of the transport modal split for the existing store is provided to back this up. Footways along such a fast road are relatively narrow, offering little refuge to pedestrians and for those waiting for buses on the main road, even with a shelter, is not an attractive experience for customers due to the volume and speed of traffic. Buses do not enter the site and there is no proposal that they would do so as a part of this development. The range of routes is not comparable to that within a town centre situation where there are rail services as well as significantly more bus route options. While some customers of Van Hages do make use of these sustainable modes of transport the numbers would seem likely to be very limited. Officers do not consider the site to be well located or designed to provide for this. Even if measures were taken to improve pedestrian, cycling and passenger transport links this is unlikely to have a significant impact due to the location of the site and the more limited range of passenger

transport services available.

- 7.35 The reliance on the private car is evident by the fact that the 860 car spaces laid out following permission in 2002 significantly exceeds current adopted maximum parking standards. Nonetheless, with some evidence of the car park being full at peak times, especially Christmas and Spring Holiday times, the grant of planning permission for further major development would be likely to require car parking provision to extend yet further into the Green Belt surroundings. Due to the parking needs generated by events such as the ice skating rink and Circus, County Highways have now objected that there will be a lack of parking if the overflow parking is not provided. A managed pricing approach to car parking might be one way of avoiding this but it is noted that the applicant has promised to not introduce car park charging (not a matter that is subject of planning control without a Section 106 agreement). The applicant has been asked to confirm their intention about the overflow parking area, but it provided it would be a further extension of the site into the Green Belt.

Residential amenity

- 7.36 The developments at the site will increase activity and result in a degree of added noise and intrusion within the surroundings although this is relative to the disturbance already experienced by neighbours to the site. The nearest dwellings to the site it should be noted are part of the Van Hage ownership. There are some residents to the south, on the west side of Amwell Hill particularly close to the access for service vehicles who have raised concerns about increased disturbance.
- 7.37 The site benefits from being set away and at a distance from individual dwellings with intervening planting reducing the impacts. The proposed development of the foodstore and service yard area as well as the extended access road will be more towards the centre of the site which helps to reduce the neighbour impacts.
- 7.38 The potential exists for some additional traffic accessing the site to occasionally use narrow lanes such as Gypsy Lane, Cautherly Lane or other lanes within Great Amwell and to an extent this will result in added disturbance to local residents. If viewed as a significant impact then it would be contrary the adopted Local Plan Policy TR20. County Highways have estimated that based on weekend flows an additional 20 vehicles would travel along Cautherly Lane or Madgeways Lane between 12:00 and 13:00 hours.
- 7.39 On balance, Officers consider that the increased impacts of the

3/15/0149/FP

development are not such as to warrant a planning refusal on grounds of harm to neighbour amenity, although the impacts of increased traffic, lighting etc are a negative consideration of the proposals in the wider planning balance.

Trees / landscaping / landscape character

- 7.40 The site is within a rural situation on the edge of Great Amwell and there are proposals for new tree planting and landscaping to compensate for some trees that will need to be removed, particularly within the car park area as it is reconfigured, and at the rear of the site as the service road and external sales area is extended.
- 7.41 None of these trees, based on the arboriculture report, are of particular importance and subject to the quality of details the matters can, in Officers view, be compensated for by a landscaping planning condition.
- 7.42 The impact on the wider landscape, rural character and Green Belt has been mentioned above. The details of new planting would preferably be of native species to enhance the character of the area, but as noted the increased presence of buildings, car parking, service areas, associated vehicles, lighting and external sales areas will inevitably have some wider impact on the surroundings. That said the issue of trees and landscaping details in themselves as proposed are not grounds for refusal.

Conservation / Heritage considerations

- 7.43 The site has a listed dwelling, Amwellbury Lodge, as a neighbour on its north side, but given the details of the proposal and distances involved Officers consider that there is no harm to its setting.
- 7.44 The Great Amwell Conservation Area is located to the east of the site, but is separated from the site by the A1170. Additional traffic through the village may result in some degree of harm but this is a broader amenity issue and overall Officers do not recommend objection on grounds of harm to heritage interests as a result of the development proposed.

Detailed design matters

- 7.45 The detailed design of the new building is not of itself a matter for concern. The composite timber cladding to unify the site frontage will result in a finish not dissimilar to other rural buildings. The added glazing of the lobby entrances will mark them out to users but do add to

the presence of the buildings within the surroundings.

7.46 In landscaping the site the owners are taking the opportunity to provide a more attractive and wider entrance space free of the clutter of planters and the toilets which will be removed. Granite paving is proposed for hard surface of the arrival space. This improves the approach to the site but are changes that could be made anyway without the need for any associated development.

7.47 While the bulk of new building will impact on openness, Officers have no objection to the detailed design approaches to the development.
Sustainability

7.48 The NPPF sets a presumption in favour of sustainable development which is the golden thread running through plan making and decision taking. It sets out at paragraph 7 that the economic, environmental and social roles are the three dimensions of sustainable development.

“...to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions”. (para 8)

7.49 The Local Plan also sets out in Policy SD1 the features of sustainable development.

7.50 The above report has already identified environmental harm to the site and surroundings in the Green Belt and economic harm to the vitality of town centres. The pattern of increasing out of town retail provision is also socially exclusive because the services provided, as well as any new employment, are not as accessible to certain sections of society, for instance those without access to a private car, the elderly, sick and the young who are unable to drive. The NPPF states:

- *The planning system can play an important role in creating healthy, inclusive communities. NPPF (para 69)*
- *To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should... plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; NPPF (para 70)*

7.51 The provision of essential convenience shopping in a less accessible

3/15/0149/FP

location therefore fails to meet the social test of sustainability.

- 7.52 For all these reasons, environmental, economic and social, the application does not provide a sustainable form of development and it is considered to be contrary to local and national planning policies.
- 7.53 The grant of permission should not be made as the adverse impacts of doing so would, in Officers' view, significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Section 106 Payments

- 7.54 The applicant has intimated in submissions that they would be willing to consider Section 106 payments to mitigate the retail impacts on Ware Town Centre but there is no detail as to what such mitigation would be. They have made no detailed response to a list of suggestions from Ware Town Council. While public realm enhancements of existing Town Centre can always assist with economic attractiveness and vitality, Officers do not consider any level of payments would offset the significant retail impact or justify the scheme against the policy objections.
- 7.55 With respect to Section 106 payments, some have been agreed in principle by the applicant, to mitigate traffic impacts, although the degree of funding has not been agreed with County Highways. Your Officers view the location to be remote and poorly placed for sustainable modes of transport i.e. other than the private car, so do not support the view that payments will make the proposal sustainable or acceptable.

8.0 Conclusion

- 8.1 To conclude, the resubmission is essentially the same proposal as was withdrawn last year. Similarly, Officers consider that the proposed development constitutes inappropriate development within the Metropolitan Green Belt, contrary to Retail Policy with adverse economic and social impacts for existing towns, and represents an unsustainable development.
- 8.2 With respect to the Green Belt issues, the proposed new foodstore is a substantial building, there is an additional service yard area, an extended service road, extended outdoor sales areas, extended car parking areas (possibly over 200 spaces), a displaced ice rink and high fencing to boundaries. Individually and cumulatively all these

developments will reduce “openness” and with the intensification of on-site activity will weaken the rural character of the site and its Green Belt role in safeguarding encroachment and retaining the separation of countryside between Ware, Stanstead Abbots and Hoddesdon. There is no issue of judgment to be made on this in your Officers’ view. The development will have a greater impact on the openness of the Green Belt than the current use and conflict with the purposes of including land within the Green Belt contrary to national advice in the National Planning Policy Framework (para 89).

- 8.3 To be acceptable in the Green Belt there should be very special circumstances that clearly outweigh the harm by inappropriateness and any other planning harm. The applicant argues that the businesses of Waitrose and Van Hage would be supported and that economic growth and jobs will be created. Officers don’t consider these to amount to the very special circumstances required given the weight of planning objection against the plans. A similar argument would apply to any business wishing to develop a new retail or other business in a Green Belt location. Moreover any economic benefit at the application site must be offset against the harm and loss of economic vitality to other town centres. Any jobs created as part of the application would have to be balanced against jobs lost by reduced economic health and vitality of nearby town centres. There is no retail need to provide special justification and the overall lack of need increased the adverse impacts on town centres.
- 8.4 As well as Green Belt Policy objections, there are substantive retail planning policy objections to the proposal. Given the particular justification needed to develop a Green Belt site, it is correct to point out that there is no retail need to be met in this part of the district given an overprovision of retail floorspace up to 2026. Up to date evidence indicates that future retail space should be provided within the towns and with a priority to Bishops Stortford and Sawbridgeworth.
- 8.5 With regards to national and local planning policy, the development is in an out of town location, contrary to Local Plan Policy STC6 and the Town Centre first approach as it fails the Retail Impact and Sequential Tests of the NPPF. Ministers have recently reemphasised the importance of applying the Policy Tests of the NPPF.
- 8.6 The applicant’s Retail Impact Assessment underestimates trade draw and the turnover of the proposed Waitrose store and is flawed as it assumes Waitrose remains in Bircherley Green when it is now their stated intention to relocate to Van Hage. Assessment of the figures provided reinforces local concerns that the proposed store will result in

3/15/0149/FP

a significant and adverse impacts to nearby towns. The levels of trade diversion and impact on individual stores could lead to the closure of key anchor stores such as Tesco in Ware or Sainsbury's in Hoddesdon. Even if not, there would be significant adverse harm to the town centres of Hertford, Ware and Hoddesdon.

- 8.7 The applicant's sequential assessment dismisses the suitability of the Hertford Town Centre site but it is clear that there is a suitable and available option here with a developer working towards a formal planning submission and a local authority facilitating the process by developing the Town Centre Urban Design Strategy.
- 8.8 Retail operators have to show flexibility in the scale and format of their proposals, something not shown by Waitrose and subject to this there is no reason to believe that a viable and sequentially preferable alternative does not exist. Even if Waitrose, for their own business reasons, cannot be persuaded to take up such an opportunity, this does not provide planning reasons to justify the current scheme
- 8.9 No reduction in vehicle mileages is anticipated, rather on the contrary the store increases reliance on the private car. It will draw away customers who at present are able to walk, cycle or use passenger transport to the foodstores in Hertford, Ware and Hoddesdon Town Centre. This will all add to traffic on already congested roads. Increasing traffic on some narrow approach lanes within Great Amwell will also be harmful to amenity.
- 8.10 The location of the site would be unwelcoming for pedestrians, cyclists and bus passengers and, while more could be done as part of the proposals, the site is limited by its unsustainable location for any significant change to travel patterns to be realised by the development.
- 8.11 Removing or harming more accessible town centre shopping services is considered to be contrary to the social dimension of sustainable development within the NPPF. The cumulative result of environmental, economic and social harm amounts to an unsustainable pattern of development contrary to local and national planning policy.
- 8.12 The withdrawal of the earlier application followed by a quick resubmission has presented only marginal changes to the scheme and even Highways objections remain. While some detailed aspects of the proposal could possibly be improved by further negotiation and even mitigated by Section 106 obligations, the fundamental Green Belt, Retail Policy and Sustainability objections to the proposal are quite apparent and in Officers view cannot be overcome.