

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

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

**PLANNING INSPECTORATE REFERENCE:
APP/J1915/V/09/2101286**

**LOCAL PLANNING AUTHORITY REF:
3/08/1528/FP**

**SUMMARY PROOF OF EVIDENCE
OF
TIM HAGYARD BA MATCP MAUD MRTPI,
DEVELOPMENT CONTROL TEAM MANAGER (WEST)
ON BEHALF OF EAST HERTFORDSHIRE COUNCIL**

Planning Inquiry – 22nd September 2009

Wallfields
Pegs Lane
Hertford
SG14 8EQ
August 2009

1.0 **Qualifications and experience**

- 1.1 My name is Timothy Martin Hagyard and I am a qualified Town Planner and Urban Designer. I have been the case officer for consideration of the Sainsbury's applications at Hartham Lane, Hertford.
- 1.2 I have worked at East Hertfordshire District Council since 1988 firstly in Local Plans and from 1992 in Development Control. In 2006 I became Principal Planning Officer for the West Team and subsequently in 2007 Development Control Team Manager. I have experience in handling a broad range of applications including major residential and commercial developments.
- 1.3 I have a Geography Degree (Hons), a Town and Country Planning Master of Arts, an Urban Design Master of Arts and a Certificate of Management Concepts and Skills in Planning. I have been a member of the Royal Town Planning Institute since 1992.

2.0 **Scope of Evidence**

- 2.1 This proof of evidence will address the justifications for the S106 planning obligations as negotiated and agreed with Sainsbury's Supermarkets Ltd. The S106 Planning Obligation will provide for necessary mitigation measures and planning provisions as part of the proposed development.
- 2.2 There are 14 S106 Planning Obligations which relate to the agreed Heads of Terms from the Committee resolution of February 11th 2009 (CD/C23) although the contribution relating to library funds (Item 9) is not now requested. A draft S106 agreement between East Herts District and Hertfordshire County Councils and Sainsbury's Supermarkets Ltd is anticipated to be complete for the Planning Inquiry.
- 2.3 I confirm that the views expressed within this proof are my own, true and a statement of my professional opinion with regard to the planning application subject of this appeal.

3.0 Statement of Justification for S106 Obligations

- 3.1 The S106 obligations in my professional view meet the five tests of national guidance in Circular 05/2005 (CD/A11) paragraph B5 in that they are
- Relevant to planning
 - Necessary to make the development acceptable in planning terms
 - Directly related to the proposed development
 - Fairly and reasonably related in kind to the proposed development
 - Reasonable in all other respects
- 3.2 Hertfordshire County Council as the relevant highway authority will provide the justification and evidence to support the items relating to Sustainable Transport Provisions (6), Green Travel Plan (7), Port Hill Crossing (10), Funding of Traffic Regulation Orders (12), Bengo Funding (14).
- 3.3 I consider all of the planning obligations to concern matters that are **relevant to planning**. The planning obligations variously relate to the enhancement of the public realm, and the conservation area, to the promotion of pedestrian routes, to the mitigation of traffic congestion impacts within the town, to securing community benefits and responding to pedestrian links and the Conservation Area as well as enhanced town centre links and to securing the quality of design of the new development.
- 3.4 Each of the obligations is considered **necessary to make the development acceptable** and are supported by local and national planning guidance. The need for each item is set out more fully within the full proof EHDC/6A but in summary.
- 3.5 (1) The Old Cross and Bull Plain design competition is needed to provide the best practical way forward to address the long term conservation, environmental and transport issues at Old Cross and to enhance and strengthen the links between the new store and town centre by promoting the pedestrian environment and conservation area. If the provisions were not included then the

impacts of the development on Old Cross of the Sainsbury's development would only result in a worsening of the environment conditions of Old Cross without any funding measures or process in place to address the problems.

- 3.6 (2) The Dolphin Yard footbridge crossing is considered **necessary** to ensure the proposed development is well integrated with the existing town centre and promotes as many linked trips to all parts of the town centre as possible and promotes pedestrian activity as a sustainable transport mode.
- 3.7 (3) The provision for public rights of way is **necessary** to secure long term public rights of access to the river, between the store and the town centre and along Hartham Lane.
- 3.8 (4) The extension of the alcohol ban area is **necessary** to address the increased likelihood of drinking issues and anti social behaviour in the Hartham Common area given the availability of cheaper alcoholic drinks in an adjacent Sainsburys store open into the late evening.
- 3.9 (5) The funding of a public arts project is **necessary** as part of the provisions of a high quality design for the development, which lies at the main entrance into Hartham Common within the setting of a listed building and is a key opportunity area within the Hertford Conservation Area.
- 3.10 (8) The obligation for the car park to be charged similarly to other town centre car parks, is considered to be **necessary** to ensure that the proposed car park is managed in the interests of Hertford town centre as a whole.
- 3.11 (11) The provision to fund the introduction of a residents parking scheme is **necessary** to address problems of parking in streets within the vicinity of the application site that will be likely to result in nearby residential roads as a consequence of the development proceeding
- 3.12 (13) The obligation to agree the management of the community space in the listed brewery for their first five years is **necessary** to to secure a successful long term re-use of the listed brewery building and to achieve the wider social and economic benefits that arts and community groups will derive from the use of the building to the wider benefit of the town

- 3.13 Each of the obligations concern planning matters that are **directly related to the proposed development** having regard to the resulting impacts of increased traffic generation.
- 3.14 I consider each of the obligations to be **fairly and reasonably related in kind to the scale of the development proposed**. The impacts of the development are significant in scale and the obligations while involving significant sums of money are in my view in proportion and scale to the development proposed and to its resulting impacts.
- 3.15 All the obligations have been negotiated and agreed with the appellant and are affordable, practical and bring wider benefits to the appellant and other users of the development. As a result these items are considered to be fair and **reasonable in all other respects**.

4.0 Conclusions

- 4.1 The S106 is for the reasons as summarised considered to meet all the tests of Circular 05/2005 and is accordingly recommended to the Inspector with the grant of planning permission for the new store and associated reuse of the listed brewery, town centre car park, footbridge and footpaths.

