

**Doc. No. HCS/3/B**  
**Case Ref. APP/J1915/V/09/2101286**

***CALLED IN PLANNING APPLICATION BY  
SAINSBURY SUPERMARKETS LTD***

**Proof of Evidence on behalf of  
Hertford Civic Society**

**Retail Matters**

**Extract from East Herts District Council's  
Officers Report on Sainsbury's first  
application, subsequently withdrawn –  
9<sup>th</sup> April 2008**

Andrew Sangster

21<sup>st</sup> August 2009

- (a) **3/08/0098/FP – Mixed use redevelopment of part of the McMullen's Brewery site, comprising a food store and conversion of the former brewery building to provide elements of the food store including the cafe, offices and commercial space, community space, associated car parking and landscaping, wind turbine, riverside walk, bridge link to town centre, rerouting of Hartham Lane and associated provision of new access and servicing points**
- (b) **3/08/0099/LB – Alterations to listed building to accommodate ancillary elements of the proposed foodstore, offices, community space, artisan studios and gallery space as well as open air community courtyard**
- (c) **3/08/0100/LC – Demolition of buildings including lager building, former derelict public house and former cottages and truncation of warehouse in conservation area to allow for comprehensive redevelopment of former McMullen's brewery site at McMullen's Brewery Site, Hartham Lane, Hertford, Herts SG14 1QN for Sainsbury's Supermarkets Ltd.**

<b><u>Date of Receipt:</u></b>	(a) 17.01.2008 (b) 17.01.2008  (c) 17.01.2008	<b><u>Type:</u></b>	(a) Full (b) Listed Building Consent (c) Conservation Area Consent
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**Parish: HERTFORD**

**Ward: HERTFORD - BENGEO**

## **1.1 RECOMMENDATION**

- (a) That in respect of application 3/08/0098/FP planning permission be **REFUSED** for the following reasons:-
  1. The design and the layout of the proposed development fails to achieve the high standards of design and landscaping necessary for new development and appropriate for this key urban regeneration site within the Hertford Conservation Area. The predominance of surface car parking is visually poor; harmful to the setting of the listed brewery, the entrance into Hartham Common, and to this part of the Hertford Conservation Area. There is a lack of a comprehensive landscape strategy, provisions to enhance biodiversity and inadequate landscaping space standards for the proposals generally. Unsatisfactory provision is made to retain and improve pedestrian connections to link the site and its surroundings. The proposal is therefore contrary to Policies SD1, ENV1 and ENV2 of the adopted East Herts Local Plan Second Review April 2007 and national guidance in PPS1, PPS6 and Design Guidance for Town Centres.
  2. The site lies within a designated Employment Area reserved for B1, B2 (and B8) uses. The proposed development makes a case for a departure from this policy but given the known traffic consequences of a large retail foodstore development, does not in the Council's view achieve the best use of this land or offer the broadest employment

opportunities. The site has not been marketed to assess its scope for employment redevelopment. This is contrary to Sustainable Development objectives for retaining a balance of employment and residential uses within the town and contrary to Policies SD1 and EDE1 of the East Herts Local Plan Second Review April 2007 which reserves employment land unless there is clear justification for its release.

3. The traffic demands resulting from the nature and scale of the proposed development and its servicing requirements exceed the capacity of the local road network to manage them satisfactorily, in particular the demands that will result on the junctions at Cowbridge with Hartham Lane and at Old Cross and the narrow roads leading to them. Proposed mitigation measures do not overcome the problems and additionally impact negatively on the pedestrian, passenger transport, local and wider environment. The proposed development would therefore result in worsened congestion detrimental to the safe and convenient use of the public highway. The proposal is therefore contrary to Policies STC1 and TR2 of the East Herts Local Plan Second Review April 2007 and the objectives of the Local Transport Plan.
4. Inadequate provisions are made to mitigate the poor access into the site and to promote walking, cycling and passenger transport options as part of the proposed development. The submitted Transport Assessment and draft Travel Plan has failed to adequately analyse the scope for encouraging these modes. The proposal is thereby contrary to national guidance in PPG13 and Policies SD1, TR1 and TR4 of the East Herts Local Plan Second Review April 2007 and the objectives of the Local Transport Plan.
5. The application fails to address or adequately enhance the water environment along the River Lea site boundary, neither providing for its upgrade and renaturalisation, nor reasonable space for public access, landscaping and habitat improvements. The proposed development is therefore contrary to Policy ENV18 of the East Herts Local Plan Second Review April 2007.
6. The applicant has failed to prove the need for the retail store at this edge of centre site; that there are no sequentially more suitable sites for a reduced need or that the proposal would not result in unacceptable impacts on the existing town centre. The proposal does not therefore meet the tests of national planning guidance in PPS6 and is contrary to Policy STC1 of the adopted East Herts Local Plan Second Review April 2007
7. Insufficient information has been received regarding the impacts of the proposal on flooding. The proposal is thereby contrary to national planning guidance in PPS25 and Policy ENV19 of the adopted East Herts Local Plan Second Review April 2007.
8. The application fails to provide adequate information regarding archaeological considerations for the site such that it would be premature to agree the form and layout of the development of the site. The application would be contrary to Policy BH2 of the East Herts Local Plan Second Review April 2007 and national planning advice in PPG16.

9. The application fails to provide adequate information regarding ecological considerations for the site, in particular with regard to reptile species. The application would be contrary to Policy ENV16 and ENV17 of the East Herts Local Plan Second Review April 2007 and national planning advice in PPS9.
- (b) That in respect of application 3/08/0099/LB Listed Building Consent be **GRANTED** subject to the following conditions
1. 3 year time limit (1T12)
  2. Samples of materials (2E12)
  3. New Brickwork (8L06)
  4. New Rainwater Goods (8L09)
  5. New Windows (8L03)
  6. New Doors (8L04)
  7. Making Good (8L10)
  8. Schedule of Repairs (8L11)
- (c) That in respect of application 3/08/0100/LC Conservation Area Consent be **GRANTED** subject to the following conditions
1. Five year time limit
  2. Conservation Area (demolition) (8L12)
- (d) That in the event of refusal of the current planning application 3/08/0098/FP members consider and advise on future development options for the site. It is recommended that the applicants prepare a Development Brief for the site, to be subject of public consultation, which accords with Option 3, a Mixed Use Development strategy.

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