

EHDC/5/B
SUMMARY PROOF OF EVIDENCE
OF
HUW PAUL WILLIAMS BA (HONS) MRTPI
ON BEHALF OF
EAST HERTFORDSHIRE DISTRICT COUNCIL

LPA Ref No: 3/08/1528/FP

Planning Inspectorate Ref:
APP/J1915/V/09/2101286

INQUIRY DATE: 22ND SEPTEMBER 2009

PREPARED AT THE OFFICES OF

CHASE & PARTNERS, 20 REGENT STREET, ST JAMES'S, LONDON SW1Y 4PH
TEL: 020 7389 9494 FAX: 020 7389 9456
www.chaseandpartners.co.uk

CHARTERED SURVEYORS • COMMERCIAL PROPERTY CONSULTANTS • CHARTERED TOWN PLANNERS

SUMMARY

1. In accordance with the requirements of the Inquiry Procedures, I have produced a summary of my main Proof of Evidence (**EHDC/5/A**).
2. Having been appointed in February 2008 to prepare the East Herts Retail and Town Centre Study (**CD/B11**), Chase & Partners were duly appointed to provide planning policy advice on the retail aspects of the Sainsbury's application before this inquiry.
3. Section 2 of my evidence documents the discussions that took place between Chase & Partners (on behalf of the Council) and Sainsbury's consultants, Indigo Planning, on the Retail Assessment submitted in support of the planning application. This led us to advise that there was no basis for refusing the application on retail planning policy grounds and that the proposal had potential to support the vitality and viability of the town centre - providing a satisfactory car park management regime could be agreed. Chase & Partners' advice was duly reflected in the report presented to the Council's Development Control Committee in February 2009 (**CD/C23**).
4. The agreed position between Chase & Partners (on behalf of the Council) and Indigo Planning (on behalf of Sainsbury's) is now contained in the Statement of Common Ground on retail policy matters (**SOCG/2**).
5. Section 3 of my evidence then addresses matters raised in the Secretary of State's 'call-in' letter in relation retail issues. It specifically addresses whether the application is consistent with the provisions of the development plan and the advice in PPS6. It considers:
 - (i) Whether the applicant has satisfactorily demonstrated that there is need for the proposed development;
 - (ii) Whether the proposed development is of an appropriate scale;
 - (iii) Whether there are more central sites available for development;
 - (iv) Whether the application would cause an unacceptable impact on the vitality and viability of Hertford and other nearby centres
 - (v) Whether the proposed development would be accessible by a choice of modes of transport.

6. On the question of **need**, it is agreed that:
- in relation to comparison goods, there is sufficient quantitative need to support the comparison element of the proposed development;
 - in relation to convenience goods, whilst the East Herts Retail and Town Centres Study only identified limited convenience goods capacity, if consideration is given to overtrading at existing stores in the area and the potential of the proposed development to “clawback” trade, there is also sufficient convenience expenditure to support the proposed store; and
 - there are clear qualitative benefits arising from the proposed development in that a new Sainsbury store would introduce new competition, challenge the existing market dominance of the Tesco store at Ware Road, and offer further choice for consumers. The proposal would also facilitate the regeneration of a ‘brownfield’ site and enhance the appearance of the Conservation Area, and provide new employment opportunities.
7. On the matter of **scale**, it is now agreed that a store any smaller than that proposed would be unable to compete effectively with the existing Tesco store at Ware Road and would be less likely to clawback shoppers currently leaving Hertford to do their main food shopping elsewhere. On this basis it is agreed that the scale of the proposals had been adequately justified.
8. In terms of the **‘sequential approach’**, Indigo Planning’s assessment considered the suitability of all the sites identified in the East Herts Retail and Town Centres Study 2008; it is agreed that – with the exception of the Brewery site - none are appropriate for the development proposed in this application. Accordingly, I believe that a thorough assessment of both these sites, and those units that are currently available in Hertford town centre, has been undertaken by the applicants and that none can be considered suitable to accommodate the proposed development – either as proposed or if disaggregated. Moreover, regard should also be had to the fact that the Brewery site was identified in the Study, and its potential for retail development recognised – providing adequate linkages could be formed between it and the rest of the town centre.

9. With regard to the likely **impact** of the proposed development, Chase & Partners has consistently advised that the application was unlikely to have an unacceptable impact on the vitality and viability of Hertford and nearby town centres. Although, the economic downturn has affected Hertford town centre, it remains 'vital and viable' and, as result, it is agreed that the proposal is unlikely to have a harmful impact upon the vitality and viability of either Hertford or nearby town centres such as Ware. Moreover, it is also recognised that through a combination of appropriate management of the proposed car park and provision of enhanced pedestrian links to the town centre, the application has potential to positively support the vitality and viability of Hertford town centre as a whole.
10. Finally, in relation to **accessibility**, it is agreed that the application site is accessible by a choice of means of transport. The measures proposed by the applicant in the S106 Agreement will also further enhance the accessibility of the site by a choice of modes of transport.
11. Accordingly I believe that the application is in compliance with relevant policies in the development plan and is consistent with prevailing advice in PPS6. In this respect the matters raised in the Secretary of State's 'call-in' letter in relation to retail issues have, in my view, been fully addressed.
12. On this basis that the application proposals are compliant with both the development plan and the advice contained in PPS6, and there are no sound reasons in retail planning policy to refuse the application, I would respectfully request that the Inspector recommend that the Secretary of State approve the application.

Chase & Partners

August 2009