



Part 2

# East Herts District Plan

## Examination Hearing Statements

---

### Matters and Issues: Part 2

## Chapter 7: Hertford

## Matters and Issues, Part 2: Chapter 7 - Hertford

### Issues:

#### **Question 1**

***What is the basis for planning to accommodate 950 new homes over the plan period in Hertford?***

1. The Development Strategy Topic Paper (**TPA/001**) sets out the Council's approach to directing development towards sustainable locations. The Supporting Document (**SSS/001**) and the Hertford Settlement Appraisal (**SSS/004**) provide greater information regarding processes followed and the various evidence bases taken into account, along with consideration of constraints, in determining the proposed level of residential development for the town. The County town of Hertford is the district's second largest settlement. It performs a secondary town centre role and is supported by a significant employment base. The town benefits from being serviced by two rail services providing access via separate routes into London and also offering opportunities to travel to various other destinations. Its bus station provides further multiple destination choice. While suffering from some constraints along the A414, this route, combined with close proximity to the A10 and A602 provide the town with good road links to the Major Route Network, with the M25, A1(M) and M11 all within reasonable travelling distance. In combination, all of these attributes make Hertford a suitable location on which to base future growth, offering opportunities for self-containment and sustainable travel to other locations.
2. While the encouragement of redevelopment of existing vacant brownfield sites has been most successful in the past, given the need to retain a suitable employment base to facilitate job opportunities for residents, this vein has largely been exhausted. Therefore, with the exception of the regeneration of part of the Mead Lane area (200 dwellings), the creation of sustainable urban extensions in proximity to existing services, facilities and infrastructure has been the main approach (750 dwellings) in providing for a total of 950 dwellings in Hertford.

## Matters and Issues, Part 2: Chapter 7 - Hertford

### Question 2

***What is the overall amount of employment and retail floor space to be allocated in Hertford (this should be added to policy HERT1)?***

1. The strategy for Hertford does not seek to provide for any additional employment space within the town. The designation of the Pegs Lane area under Policy HERT6 II (a) seeks to formalise and protect existing, primarily, B1 uses in the area. The 3,000sqm of additional employment floorspace sought within Policy HERT2 is to be provided on land that has been vacant for decades, but which is already covered by an existing designated Employment Area in the 2007 adopted Local Plan that will be carried forward into the District Plan. A Main Modification to paragraph 3.2.9 is therefore proposed to clarify this position:

In addition, 3,000 square metres of ~~additional~~ B1 employment floorspace, **or other employment generating uses that would be compatible with the uses on neighbouring sites**, will be provided at **the Mead Lane Area**, Hertford site (HERT2).

2. Furthermore, in order to allow for flexibility in delivering suitable development to provide employment opportunities in this part of the Mead Lane Area, a further Main Modification is proposed to Policy HERT2 II (c) to allow for the:

'delivery of 3,000sqm B1 employment floorspace, **or other employment generating uses that would be compatible with the uses on neighbouring sites...**'.

Any further proposed modifications to this policy will be included in the Modifications Tables.

3. In respect of retail provision, the Plan does not allocate specific land to accommodate retail uses. The convenience and comparison potential capacity projections across the plan period for Hertford are included within the East Herts: Retail and Town Studies Study Update, 2013 (**EER/008**), at figures 7.1 and 7.2 (300sqm and 2,900sqm, respectively). The matter of retail provision in the town has also been more recently addressed within the Hertford Town Centre Urban Design Strategy (HTCUDS), 2016 (**SSS/012**), which, in respect of retail related matters, was underpinned by a bespoke Retail Study carried out by the Retail Group (**ED/150**). The HTCUDS final report seeks to regenerate Hertford's economic role and concentrates on three key sites. Two of these, Maidenhead Street and the Marquee, have already been brought back into retail use through new occupation; the latter as part of a redevelopment of the previously outmoded centre. The main thrust of the Strategy, however, is based on the proposed

## Matters and Issues, Part 2: Chapter 7 - Hertford

regeneration of the outdated 1970's Bircherley Green shopping centre. In this respect, and after lengthy negotiations, the Council has (on 11<sup>th</sup> October 2017) resolved to grant planning permission for the redevelopment of the site<sup>1</sup>, subject to conditions and entering into a legal agreement.

4. Therefore, taking into account the constraints of the town's historic core and the need to protect uses in areas both within and outside the central area, it is not proposed to allocate any further land to accommodate retail uses in the Plan.

### **Question 3**

***How and why was the planned level chosen ahead of other options? Is the site selection methodology robust and transparent?***

### **Question 4**

***Is the Plan sound in its choice of sites to be removed from the Green Belt?***

*The Council considers that these two issues are linked and can therefore be covered by a single response.*

1. As discussed at Question 1 above, the Development Strategy Topic Paper (**TPA/001**) sets out the Council's approach to directing development towards sustainable locations. The County town of Hertford is the district's second largest settlement with existing employment and retail bases and is supported by services, facilities and infrastructure commensurate with its size and status. In combination, all of these attributes make Hertford a suitable location on which to base future growth, offering opportunities for self-containment and sustainable travel to other locations. Therefore, an approach involving the creation of sustainable urban extensions in proximity to existing facilities has been the main approach employed.
2. The site selection process undertaken throughout the Plan-making process has been most comprehensive. The Supporting Document (**SSS/001**) details how 69 Areas of Search were considered against 21 criteria-based topic areas, with

---

<sup>1</sup> (3/17/0392/FUL – Mixed-Use Redevelopment, including Partial Demolition of Existing Buildings, to Provide up to 4,694 Sqm Retail Floorspace (Use Classes A1 To A5), an 86-Bed Hotel (Use Class C1), 70 Residential Flats (Use Class C3), Refurbishment of Existing Car Park to Provide 143 Pay And Display, 40 Residential, 5 Car Club (total of 188) Parking Spaces, Enhancement of Bus Station Facilities, New Public Realm and Landscaping to Riverside, and Associated Works and Improvements)

## Matters and Issues, Part 2: Chapter 7 - Hertford

each area subject to several 'sieves' in order to shortlist the options presented at the Regulation 18 stage. The Areas of Search comprised a range of potential scales of development, from new settlements, urban extensions and village developments.

3. The Sustainability Appraisal of the Submission District Plan (**SUB/004**) explains how the Council has developed and considered reasonable alternatives to the proposed development strategy. It sets out how the 'stepped approach' undertaken throughout the Issues and Options, Preferred Options and Submission District Plan preparation process identified and appraised development options, then established and appraised alternative spatial strategy options. Each stage of the shortlisting and sieving process was presented to the District Planning Executive Panel for consideration.
4. The Settlement Appraisal for Hertford (**SSS/004**) continues the narrative of the Supporting Document; describing how technical studies undertaken following the Preferred Options Consultation were considered and contributed to the site selection process. The Settlement Appraisal also considered each proposed site allocation in detail, taking into account relevant site specific related evidence bases, where appropriate, and described why alternative Green Belt sites were discounted from the submitted strategy. All sites selected to be removed from the Green Belt in Hertford are in good proximity to support the use of existing local services and facilities.
5. The Council therefore considers that those Hertford sites selected to be removed from the Green Belt as part of the Strategy's proposed Allocations have been subject to in depth analysis in this respect and have taken into account numerous evidence strands.
6. The Council has also sought to ensure that revised Green Belt boundaries will be robust and serve Green Belt purposes. In this respect, Policy HERT4 details that, beyond the initial delivery of 50 dwellings, land to the North of Hertford will only deliver a further 100 dwellings if mineral extraction occurs on an adjoining site, specifically because of the impact of development on the Green Belt that could only be successfully mitigated through land re-profiling in this location.
7. In regard to Policy HERT3 (West of Hertford) North of Welwyn Road, it should be further noted that the Council is proposing an amendment to the Pre-Submission boundary illustrated on the Policies Map. This Main Modification would increase site allocation area by a further 0.66 ha (approx) to be removed from the Green Belt in order to: facilitate sustainable transport opportunities (that would result from provision of linkages through to the existing Sele Farm developed area); allow for the accommodation of an infiltration basin; and, provide a more robust

## Matters and Issues, Part 2: Chapter 7 - Hertford

Green Belt boundary in line with existing distinguishable features. The area concerned is detailed at Appendix A.

8. Overall, the Council is satisfied that, through a site selection approach aimed at delivering development in sustainable locations and which is underpinned by a robust technical evidence base and continued liaison with key stakeholders and service providers, the Plan's strategy is sound in its choice of sites to be removed from the Green Belt around Hertford.

### **Question 5**

***Is the requirement for employment floor space justified in HERT2 and is this necessary to meet the need for employment land in the District?***

1. In respect of HERT2, Mead Lane Area, it is important to note that the 3,000sqm additional employment floorspace sought within Policy HERT2 is to be provided on land that, while lying vacant for decades, is already covered by an existing Employment Area designation in the 2007 adopted Local Plan (Policy HE8), which will be carried forward into the District Plan under Policy HERT6. Rather than changing use of the site to provide additional employment land, the development of the site via Policy HERT2 would involve relaxation of the existing policy designation to allow for residential uses through mixed use development.
2. Development in this location is underpinned by the Mead Lane Urban Design Framework, 2014, (MLUDF) (**SSS/013**) an adopted Supplementary Planning Document (SPD), which itself was subject to two rounds of public consultation, and of which a significant proportion of development (120 dwellings) has already been completed to the north of the station in accordance with the SPD since its adoption. The current site promoters have acquired the site relatively recently and the requirements of the SPD were known at the time that the site was marketed.
3. The residential element of the overall development, while being provided in a sustainable and attractive river fronting location, is intended to help support the primary role of the locality as a designated Employment Area.
4. The provision of B1 employment floorspace ("or employment generating development compatible with neighbouring uses", as the Council proposes as a Main Modification to the Plan) is considered to be a crucial element of bringing forward mixed use development in this location, beyond that currently existing in the area. This would not only bring a flexible approach in helping to secure new

## Matters and Issues, Part 2: Chapter 7 - Hertford

employment opportunities for both new and existing residents in the Hertford and Ware area, but the approach is also viewed as important in protecting existing employment uses, some of which are non-neighbourly, across the wider designated Employment Area, within which the HERT2 site is already included. It is therefore considered that the HERT2 site performs an important role in contributing towards meeting the overall employment needs of the District and creating sustainable developments.

5. Furthermore, aside from the highway issues regarding the amount of units that can be served from a single point of access (Mill Road junction, regarding which a Main Modification is proposed to Policy HERT2 II, as detailed below); other local impact highways issues raised in the Hertford and Ware Urban Transport Plan at Appendix E (TRA/005); and cumulative effects on the A414 that would jointly preclude further residential provision in this location, the Council would not wish to jeopardise existing employment activities, or to fetter potential future occupation of nearby units by such uses, due to environmental constraints resultant from residential development.

### Policy HERT2

(g) access arrangements and appropriate local (with contributions towards wider, strategic,) highways mitigation measures, which, inter alia, should include: a segregated emergency access at Mill Road between Railway Street and Claud Hamilton Way; improvements to the Rowley's Road/Mead Lane level crossing for pedestrians and cyclists; and a link between Marshgate Drive and the existing spur road to the east of the site to facilitate pedestrian and cycle access, ~~and~~ which should also complete the circulatory route to allow for the extension of bus routes into the area;

6. Thus, taking all of the above into account, the B1 employment (or employment generating development compatible with neighbouring uses) element of the overall scheme is seen as integral to the holistic development of the Mead Lane HERT2 site.

### **Question 6**

***Would the criteria set out in HERT3 be sufficient to protect the local environment, in particular Panshanger Park?***

1. The Council considers that the criteria set out in Policy HERT3, West of Hertford, provide appropriate mechanisms to ensure that the local environment, in particular Panshanger Park, is protected. The Council's evidence base includes the 'Panshanger Park and Environs Heritage Impact Assessment' commissioned

## Matters and Issues, Part 2: Chapter 7 - Hertford

by the Council (jointly, with Welwyn Hatfield Borough Council), which identifies key aspects of this heritage asset that will need to be taken into account in planning development in this location.

2. Therefore, while it is recognised that particular attention will need to be paid to the potential effects of development on Panshanger Park and also to the designated wildlife sites in proximity of the proposed development areas, it is not considered that any insurmountable issues have been raised in the HIA or through any assessments undertaken in respect of wildlife matters that would preclude development taking place. Consequently, the Council is of the opinion that the policy criteria, Masterplanning (involving key stakeholders), planning application, and monitoring processes will, in combination, be suitable mechanisms to ensure that any impact of planned development is mitigated.

### **Question 7**

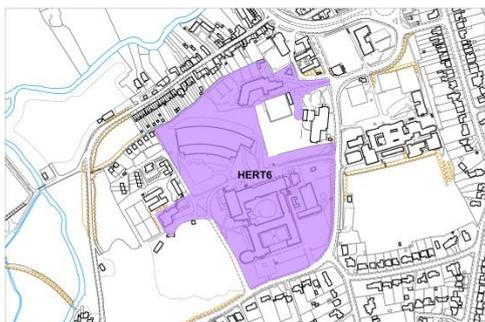
***Would the employment sites in HERT6 be the most suitable sites, would they deliver the right amount of employment land to meet the identified need?***

1. As set out in the Council's Part 1, Matter 3, Statement, the Council has based its approach on the findings of the June 2016 Hertford and Ware Employment Study (**EER/005**). This study appraised 14 existing employment areas across the two towns, and explored a variety of issues affecting the demand for employment in the joint study area, including the introduction of Permitted Development rights. The study, which recognises the close proximity and interrelationship between the two settlements and their markets, recommends that the Council: investigates options for providing shared business space, possibly in the public sector estate at Pegs Lane; that a strategy is developed to stem the ongoing loss of employment floorspace in combination with a strategy for the improvement; and, re-provision of employment land at an attractive strategic location such as at the intersection of the A10 and A414. In addition, the Council's more recent Employment Study (West Essex and East Hertfordshire assessment of employment needs, **ED144**) identifies a need for new employment land across the district of between 16 and 20 hectares. A Main Modification is already proposed to allocate further sites to meet the increased employment land needs.
2. The NPPF requires local authorities to ensure that development is sustainable and to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places. The Council recognises the need to deliver development which ensures

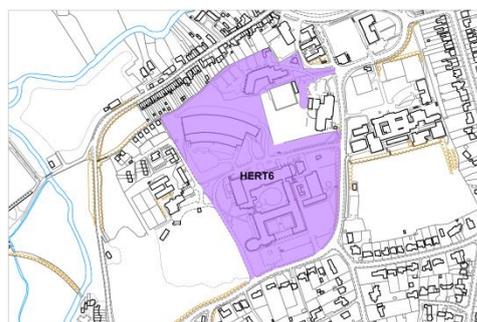
## Matters and Issues, Part 2: Chapter 7 - Hertford

that sufficient opportunities are available to accommodate the forecast jobs growth across the Plan period. Therefore, the Plan retains existing employment areas for the vital contribution they make in providing local job opportunities, and seeks to prevent further erosion of key sites such as the Mead Lane area and the Pegs Lane complex, the latter of which contains both the County Council and District Council offices. Furthermore, in order to provide new employment opportunities to serve the Hertford and Ware area, a new employment area of 3 hectares will be delivered through the development of the WARE2 site.

3. However, in consideration of the proposed new designation at Pegs Lane, formalising the existing activities on the County Council and District Council sites, it is acknowledged that the currently vacant Leahoe House, which was originally constructed for residential purposes, in the grounds at County Hall would be less suited to deliver employment needs. Therefore, it is proposed that the HERT6 designation should not now cover this element of the overall Employment Area. Although it is acknowledged that the Policies Map does not form part of the Examination Hearings process, the new proposed boundary is as illustrated below. The overall site area would thus be reduced from 7.71 hectares to 7.44 hectares.



Pre-Submission Version



Proposed Modification

4. While it is recognised that a process of renewal will be appropriate for some of the existing areas and a proportion of jobs are accessed through out-commuting (particularly to London via the two rail lines in the town), all of Hertford's Employment Areas are well located for access by local residents and their continued occupation will avoid the necessity to designate alternative locations, which of necessity would inevitably result in Green Belt release. In respect of potential loss of any employment sites and the Council seeking to make the most of the best of its existing employment sites in Hertford, the Wessex Economics' Hertford and Ware Employment Study, 2016, (**EER/005**) states, at paragraph 7.30, that "...the best of existing employment sites which also have capacity to accommodate further development or offer possibility of redevelopment for employment uses are: ...The Mead Lane Employment Area (notwithstanding its relatively poor access)"

## Matters and Issues, Part 2: Chapter 7 - Hertford

5. The Council therefore considers that it has taken a sound approach in respect of employment provision for the town.

### **Question 8**

***Are the allocated sites appropriate and deliverable, having regard to the provision of the necessary infrastructure and facilities, and taking account of environmental constraints?***

1. All the allocated sites are considered by the Council to be appropriate and deliverable, having regard to the provision of the necessary infrastructure and facilities and taking account of environmental constraints.
2. In terms of necessary infrastructure and facilities, these matters have been taken into account from the outset of the sieving process, where sites were assessed against 21 criteria, many of which were related to these issues. Since the initial stages, dialogue has been ongoing with service and infrastructure providers and bodies to ensure that any identified matters can be addressed. The Settlement Appraisal for Hertford (**SSS/004**) details requirements in respect of each site. Where necessary mitigations have been identified, these will be delivered through a combination of complying with policy provisions, Masterplanning, and financial contributions, as appropriate.
3. Where specific infrastructure requirements exist, these have been identified in the Infrastructure Delivery Plan (**IDM/001**). In particular, a need has been identified for a strategic solution to capacity issues on the A414 through Hertford to support future growth. In this respect, Hertfordshire County Council will be carrying out a public consultation on its draft Local Transport Plan 4 (**ED/138**) from 31<sup>st</sup> October 2017 to 23<sup>rd</sup> January 2018, which includes proposals for a programme of A414 highway improvements including a Hertford Bypass, which will be brought forward in combination with Hertford becoming a Sustainable Travel Town (comprising a comprehensive package of improvements for walking, cycling and passenger transport, combined with activity to encourage more sustainable travel behaviour). Thus, the direction of travel is such as to provide confidence in a strategic solution being delivered.
4. Statements of Common Ground have been prepared for all Hertford sites and these demonstrate that all sites can, subject to suitable mitigation, be brought forward within identified timescales (with the potential exception of HERT4 North

## **Matters and Issues, Part 2: Chapter 7 - Hertford**

of Hertford, which could be subject to partial delivery depending on the outcome of the current minerals planning application (PL\0870\17 (3/2352-17)), registered 4<sup>th</sup> October 2017 and appeal regarding the previous application (APP/M1900/W/17/3178839)). Where 'Outstanding Matters to be Resolved' regarding numbers of dwellings to be delivered have been identified, they seek to increase the quantity and, therefore, it is not considered that this would serve to constrain the amount of residential development proposed in the District Plan. It is considered that the Main Modifications proposed to all site specific policies, detailing that the dwelling numbers are to be viewed as minimum amounts, would allow sufficient flexibility for numbers to be increased through the Masterplanning and planning application processes, where appropriate.