

**MEAD LANE URBAN DESIGN FRAMEWORK 2011 – COMMENTS ON BEHALF OF BRB (Residuary) Ltd ON THE DRAFT SUPPLEMENTARY PLANNING DOCUMENT, JUNE 2011**

BRB (Residuary) Ltd (BRBR) are the owners of the former railway sidings adjoining Hertford East Station, one of the key undeveloped sites within the area covered by the Mead Lane Urban Design Framework (MLUDF). BRBR would like to make the following comments on the Draft Supplementary Planning Document, June 2011.

The majority of the comments relate to the proposed new road link and passenger interchange, although BRBR would also like to comment upon the built form of the area and the concept of providing a hotel on this site. These comments are set in turn below.

**Proposed new link road**

Since responding to the 1<sup>st</sup> Consultation Draft of the MLUDF in February 2011, BRBR has revisited the prospects for creating a new link road on BRBR's land and has commissioned RPS to provide detailed highways advice on this proposal. The findings of RPS are set out in full as an Appendix to this consultation response and are not repeated here. However, in summary, RPS conclude that the indicative road layout proposed in the WSP report of March 2010 is fundamentally flawed in highway terms.

Moreover, a link road that complies fully with generally accepted highway design criteria has a number of significant planning implications for the development of the BRBR site, and these are set out below in relation to each of the options considered by RPS. It should be stressed that RPS do not support the provision of a new link road, but have tested the various options in order to demonstrate why a new link road is not an appropriate solution. It should also be made clear that, in this context, the term "highways compliant" relates only to the new link road in terms of highways design standards in terms of matters such as road width and radii. It is not intended to mean that the link road shown in the options is necessarily compliant in terms of the relationship

with the existing highway network (in relation to, for example, junction separation). Indeed, for the purpose of this exercise, it has been necessary to show junction separation distances that are known to be non-compliant with generally accepted standards.

Clearly, in order to fully appreciate the consequences of constructing a new link road as proposed in the MLUDF, it is necessary to have regard to both the highways implications and the planning implications. The following therefore sets out the planning implications of a new link road on the BRBR site, but should be read in conjunction with the attached highway assessment of the new link road options produced by RPS. The commentary below correlates with the options set out in the highways assessment produced by RPS, and refers to the same drawings.

#### *Option 1*

The first option investigated by RPS considers a new link road in broadly the same position as that shown by WSP in their report. A link road in this position would be partly sited on land owned by BRBR, and partly on land owned by Network Rail.

It is immediately apparent that a link road that complies fully with generally accepted highway design criteria requires a significantly greater land take than that shown by WSP. Allowing for landscaping strips adjoining the link road, the land take becomes even greater. Consequently, a fully compliant link road in this position does not make efficient use of previously developed land, contrary to the general principles of sustainable development set out in PPS1 and PPS3, and in particular to the advice at paragraph 46 of PPS3 in relation to the desirability of using land efficiently.

The other difficulty demonstrated by the WPS design is that it straddles the ownerships of BRBR and Network Rail. Whilst not strictly a planning matter, the complications of bringing a development forward in different land ownerships militates against early delivery of development on the site. Given that this would include the new link road, and that the new link road is perceived by the Council as a fundamental element of the MLUDF, the location of the link road as shown by WSP undermines the overall strategy in the MLUDF.

A further issue is the proximity of the operational railway. In order to provide adequate access to the operational railway, Network Rail requires a separation buffer of 5 metres from the closest point of the operational railway. No built development can take place within this buffer, including hard surfaces. In order to accommodate the required swept path for HGV's, a road in the position proposed by WPS that complies with generally accepted highway standards encroaches upon this buffer and consequently interferes with the required access to the operational railway. A road in the position shown by WPS is therefore not acceptable in terms of railway operations, such that the road would have to be sited further away from the operational railway than proposed by WPS. This would reduce further the developable area of the site owned by BRBR.

Associated with this issue is the further complication that the link road in this position would require the relocation of the electricity sub-station in the Network Rail land to the immediate east of BRBR's land. Whilst at this stage it is not possible to quantify the extent of the difficulties involved in relocating the electricity sub-station, it is likely that this would impede delivery of the link road and delay the regeneration benefits sought by the MLUDF.

Finally in relation to Option 1, it is noted that both the WPS report on the Hertford & Ware Urban Transport Plan and the MLUDF seek to improve the setting of Hertford East Railway Station, a Grade II Listed Building and identified in the MLUDF as providing the southern gateway to the area. A link road in the position shown by WSP would join with Mill Road immediately north of Hertford East Railway Station. In addition to the highway issues raised by a junction in this position highlighted by RPS in the attached report, a busy link road designed to cater for commercial vehicles (including articulated vehicles) would be entirely inconsistent with the objectives in the MLUDF to enhance the setting of this listed building. Indeed, this applies in principle to any link road with a junction close to Hertford East Railway Station and, whilst the point is not rehearsed again in relation to the options below, it nonetheless remains a consideration in relation to those options.

### *Option 2*

The second option considered by RPS is a fully compliant link road of broadly similar configuration to that shown by WSP, but wholly within BRBR's land ownership. This has the

immediate benefit of being deliverable, and therefore in keeping with the general objective of the MLUDF to secure the link road as a catalyst for the regeneration of the wider area.

However, it is also immediately apparent that the land take is proportionally even greater than that required for the WSP design that straddles the two ownerships. Moreover, because the new link road must join with Mead Lane at a shallower angle than that shown by WSP in order to meet recognised highway standards, a highways compliant link road would leave a 'dead' area at the eastern end of the site. The parcel of land thus created is too small to accommodate built development and, being separated from the remainder of the site by the link road, would not be suitable for use as children's playground, amenity space or car parking.

A scheme providing a fully compliant link road wholly within BRBR's land ownership would therefore be an extremely inefficient use of previously developed land, entirely contrary to the advice in PPS3. Whilst this may initially appear to constitute a good reason for incorporating the land in the ownership of Network Rail, in practice any potential benefit would be outweighed by the complications inherent with bringing forward a site in two separate ownerships, to the extent that it would be commercially unviable and therefore undeliverable. In practice, therefore, any link road would need to be confined to a single ownership in order to be deliverable, with the consequent penalty in terms of the inefficient use of previously developed land.

Moreover, the constraints imposed by the position of the link road and the redundant parcel land at the eastern end of the site would severely restrict design options. In consequence, a fully compliant link road wholly within BRBR's land ownership would result both in the inefficient use of this brownfield site and a poor quality scheme, in which the quantum of development that the site as a whole is properly capable of accommodating is confined to a smaller area by the land take required by the link road. Neither approach is compatible with the advice in PPS3, or in accordance with the aspirations of the MLUDF.

### *Option 3*

As explained by RPS, the layout shown in Option 2 does not comply with the recognised standards for junction separation where the new link road joins with Mead Lane. The third option considered by RPS is therefore a fully compliant link road wholly within BRBR's land ownership, but with the junction with Mead Lane to a position west of the junction of Mead Lane with Marshgate Drive. The reason for testing this position for the junction was purely to demonstrate the implications of a layout fully compliant with highway separation distances along Mead Lane.

As with the previous two scenarios, a link road with a junction east of Marshgate Drive results in an inefficient use of previously developed land. This is partly because of the land take required for the new link road, but also partly because the new link road would effectively divide the site into two and therefore requires separate access points to serve the built development on each part.

The provision of a link road in the position shown would also severely restrict design options, in that the developable area is divided into two parts. Although in this scenario the parcel of land east of the link road would be capable of accommodating a quantum built development, the successful integration of that development with the main body of the site would be problematic. Moreover, the quantum of development that could be accommodated on both parcels of land combined would not equal the quantum of development that could be accommodated on the site if undivided.

The position of the junction as shown on this option also introduces a further issue with residential amenity, in that the junction would be located directly opposite and perpendicular to the existing residential properties on the north side of Mead Lane. Consequently, the residential amenity of those properties would be adversely affected by glare from the headlights of approaching vehicles and by the vehicular activity associated with the junction. This harm to amenity would be exacerbated by the requirement to remove or relocate the car parking spaces in front of these properties currently available to those residents.

#### *Option 4*

In order to avoid the problems associated with dividing the site in two, RPS next considered an option where the majority of the link road was within BRBR's land ownership but the junction with Mead Lane was located further east than envisaged by WSP. As with all the layouts featuring a link road, this layout requires a significantly greater land take than that shown by WSP and does not make efficient use of previously developed land. This option also suffers from the significant disadvantage of straddling at least two land ownerships and the inherent complications of bringing a development forward in different land ownerships, and as such in practice would be undeliverable. This is further compounded by the fact that the electricity sub-station would need to be relocated. Finally, in order to accommodate the required swept path for HGV's, the road in this option encroaches within the 5m buffer required for railway operations and therefore interferes with the required access to the operational railway. This would not be acceptable in terms of railway operations. It follows that the road in this option could not be provided as shown, but equally could not be made compliant with highway standards without use of the operational railway land.

The conclusion reached from the testing of these options is that, purely in planning terms, a fully compliant new link road would result in one or more of the following:

- Inefficient use of previously developed land, contrary to the advice in PPS3
- Undeliverable due to the difficulties associated with land assembly
- Restricted design options and solutions
- Harm to residential amenity
- Be harmful to the setting of Hertford East Station, a Grade II Listed Building

and, in consequence, would

- Undermine the overall regeneration strategy envisaged by the MLUDF

To these planning considerations must be added the highways implications set out by RPS in the attached report. The conclusion reached is, therefore, that the construction of a new link road is

not an appropriate solution to the highway issues facing the area within the MLUDF and, indeed, would prejudice the interests of BRBR in developing their land holding. Consequently, BRBR object to this element of the MLUDF.

#### *Option 5*

Having reached the conclusion that the construction of a new link road is not an appropriate solution to the highway issues facing the area within the MLUDF, RPS have identified a highways solution that would successfully address these issues and would not prejudice the interests of BRBR in developing their land holding. This solution omits the new link road entirely, and proposes instead that Mill Road and Mead Lane are widened within the land ownership of BRBR, together with an increase in the radius of the bend where Mill Road joins with Mead Lane. The key advantage of this option is that is entirely within the ownership of BRBR, and is therefore deliverable. It also has the advantage of maximising the developable area of the site, therefore making efficient use of previously developed land. Moreover, this option does not involve any division of the site and consequently optimises the design options for the site.

Further advantages of this option are that the widening of Mead Lane could be simply extended to other land ownerships as and when the opportunity arises, and that there would be no harm to residential amenity. The latter includes the retention of the existing car parking used by the occupiers of the residential properties on the north side of Mead Lane.

Finally, the widening of the road provides sufficient space for the island at the junction of Mill Road joins with Mead Lane to be reconfigured in such a way that a bus could turn round at that point. This has the benefit of extending the area capable of being served by the buses towards the River Lea and the 'Waterfront' development in Mead Lane, whilst still enabling the bus route to serve Hertford East Station.

It is therefore considered that widening of Mill Road and Mead Lane as proposed by RPS is an appropriate solution to the highway issues facing the area within the MLUDF but which, unlike the option proposed by WSP, would not prejudice the interests of BRBR in developing their land holding. It is therefore the opinion of BRBR that the MLUDF should be amended to refer to the

possibility of widening Mill Road and Mead Lane as an acceptable solution to the highway issues facing the area covered by the MLUDF.

### **Funding a new link road**

Notwithstanding the opinion of BRBR that the construction of a new link road is not an appropriate solution to the highway issues facing the area within the MLUDF, should the Council still hold the view that a new link should be promoted through the MLUDF, the cost of providing this new road should be expressly considered as part of the MLUDF. The following comments on this issue are made entirely without prejudice to BRBR's primary position that the new link road is not an appropriate solution to the highway issues facing the area within the MLUDF.

Should a new link road be proposed, then clearly it would be wholly unreasonable for the cost of providing the link road to be borne solely by BRBR. The new link road would benefit other land owners within the MLUDF area, not least those known to be considering the development of their own sites. Indeed, the benefit of the new link road to the wider area is the fundamental *raison d'être* for the inclusion of the proposal in the MLUDF. It would therefore be appropriate – indeed, in BRBR's opinion, essential – that other landowners and stakeholders contribute to the funding of the new link road.

It is therefore considered that the specific mechanics and timescale by which the new road is to be provided needs to be set out in detail within the MLUDF. This point is seen by BRBR as being crucial to the development process because, unless a scheme for sharing the costs of providing the new link road is expressly set out in the MLUDF, the cost associated with providing the road by any one single land owner becomes prohibitive and the development of the site unviable. Consequently, developers will not have sufficient confidence to bring developments forward and the regeneration of the area envisaged by the MLUDF will not take place.

This does, of course, apply particularly to BRBR as owners of the site through which the new link road would need to pass. Unless the MLUDF expressly includes a detailed mechanism for the shared funding of the new link road, the development of BRBR's site would be unviable and would not proceed. Given that the link road is considered by the Council to be the vital catalyst for

the development of other sites in the MLUDF area, it follows that the regeneration benefits envisaged by the MLUDF would not be realised. It is therefore the opinion of BRBR that the inclusion within the MLUDF of a robust mechanism for the shared funding of the proposed new link road is a prerequisite for achieving the strategy proposed in the MLUDF.

It is, however, worth repeating that these comments have been included here solely in respect of the situation whereby the Council retain the provision of a new link road within the MLUDF. The primary position of BRBR remains that a new link road is inappropriate, and that the option of widening Mill Road and Mill Lane is the preferred solution.

In the event that a new link road is included as part of the MLUDF, it is the opinion of BRBR that the new road would not in itself be sufficient to significantly change the pattern of traffic movements in the Mill Road/Mead Lane area. It will, in addition, be necessary to restrict movement on and access to both Mill Road and Mead Lane, either in terms of traffic calming measures or, say, by making the junction between Mill Road and the new link road one-way, with all traffic approaching from the south being forced to use the new link road. Not only would this ensure that the new link road took all through traffic, it would improve the quality of the residential environment of the existing properties in Mill Road and Mead Lane. For these reasons, BRBR suggests that these additional measures – or at least a range of measures that might be considered acceptable - are specifically included within the MLUDF.

### **Passenger Interchange**

In addition to the new link road, the MLUDF makes specific reference to the provision of a passenger interchange north of Hertford East Station, noting that the precise location is to be determined. Given that the MLUDF proposes that the new link road would be provided on BRBR's land (at least in part), to accommodate the passenger interchange as well would seriously prejudice the development potential of the BRBR site. It is therefore the opinion of BRBR that the public transport interchange should be provided in such a way that it does not prejudice the redevelopment potential of the BRBR site. For example, the public transport interchange could be provided on the land owned by Network Rail immediately adjoining the

railway station, with access onto the new road on BRBR land. This would be a logical and appropriate use of Network Rail land.

By not specifying the location of the public transport interchange, the MLUDF creates considerable uncertainty for land owners, prospective land owners and developers. Moreover, the MLUDF provides no details about the specification of the proposed transport interchange, and no details as to how the transport interchange would be funded and/or the land owner compensated for the loss of value to their own sites. Again, this lack of certainty applies particularly to BRBR as owners of one of the site that could potentially be considered suitable as a location for the transport interchange (notwithstanding BRBR's view expressed above that it would be more appropriate to locate the transport interchange on the adjoining land owned by Network Rail). It is essential, therefore, that precise details of the location and specification of the transport interchange are included in the MLUDF.

#### **Scale.**

The reference to higher densities close to Hertford East station is welcome and considered appropriate. However, it is considered that any increase in density will be achieved largely through height and, for that reason, it is considered that limiting heights to three and half storeys is not appropriate in the MLUDF. It is considered that the MLUDF should be more specific in terms, especially in relation to the land adjoining Hertford East Station given the variation in heights in this area. A parameter plan indicating appropriate building heights to accompany the plan showing existing heights in the area (Figure 12) might be an appropriate way to express this.

#### **Mill Road character area**

The reference to predominantly residential development in this area is welcomed.

The concept of a perimeter block is noted and, in principle, there would be no objection to such an approach.

### **Provision of a hotel on the BRBR site**

At this stage, BRBR are not convinced that there is market demand for a hotel use in this location. Preliminary research undertaken by LSH since responding to the 1<sup>st</sup> Consultation Draft of the MLUDF in February 2011 indicates that demand for budget hotels is derived primarily from car borne customers. Consequently, budget hotel operators require a high profile site with frontage to a main road with extensive car parking. In this context, it is noted that the proposed hotel on the Hertford Police Station site has the benefit of fronting onto a main road and extensive off-street car parking, and is therefore likely to be attractive to a budget hotel operator.

The BRBR site is not on a main road, and therefore is not attractive to budget hotel operators. Moreover, the location of the site away from the main road would mean that a hotel in this location would act as a traffic generator, and would require a significant land take in order to provide the required number of car parking spaces (required, that is, by a budget hotel operator to make a hotel viable rather than in the context of the Council's car parking standards, with which there could be conflict).

Neither, in this context, is the location adjoining Hertford East Station an advantage. The line served by Hertford East station is primarily a commuter line and does not carry the same volume long-distance travellers as a main long-distance line. Consequently, there would be no demand for hotel accommodation arising from the route operated from Hertford East and as such the line served by Hertford East Station is, from the perspective of a budget hotel operator, no substitute for a location on a main road.

Non-budget hotels tend to be reliant upon significant tourist attractions in the vicinity, or a high intensity of leisure or recreation activities (such as theatres and restaurants). Although it is acknowledged that there are some tourist attractions and leisure activities within Hertford, these are not of a scale to sustain constant sufficient demand for an established hotel chain. Moreover, it is noted that there are already a number of small scale independent hotels established within and near Hertford.

There is, in addition, a further factor to take into consideration. The MLUDF proposes a significant level of infrastructure, including (notwithstanding the comments above) a new link road. The inclusion of a hotel would not only result in a lower site value, it would erode the attractiveness of the site to residential developers and reduce the site area available for higher value residential use. The viability of the site is therefore reduced and, it must follow, so would the ability of the site to fund the infrastructure proposed in the MLUDF.

Consequently, initial research indicates that not only there is insufficient demand to sustain a hotel of either description in this location, but that the inclusion of a hotel is likely to prejudice the achievement of other objectives in the MLUDF. Therefore, BRBR consider that reference to these uses should be omitted from the MLUDF entirely. At the very least, BRBR consider that the MLUDF should make it very clear that a hotel in this location is very much an aspiration rather than a requirement.

### **Summary**

Although the reference to predominantly residential development of the BRBR site in the MLUDF is welcomed, BRBR consider that the new link road proposed in the MLUDF fundamentally flawed, in that the new link road:

- i) either fails to comply with generally accepted highway standards or, if made to comply with those standards, results in an inefficient use of previously developed land
- ii) would be undeliverable due to land ownership issues, and/or encroachment onto the operational railway
- iii) severely restricts design options and/or causes harm to residential amenity
- iv) in the absence of a clearly stated mechanism for sharing the costs of providing the new link road, the cost of providing the link road by any one land owner becomes prohibitive to the extent that it would not be deliverable.

BRBR therefore suggest that specific allowance is made within the MLUDF for an alternative approach for addressing the highway issues through the widening of Mill Road and Mead Lane, as proposed by RPS. This approach has the advantages of:

- i) being compliant with all relevant highway standards
- ii) enabling efficient use to be made of previously developed land;
- iii) having no adverse impact on residential amenity, and
- iv) of being deliverable.

Notwithstanding the opinion of BRBR that the construction of a new link road is not an appropriate solution to the highway issues facing the area within the MLUDF, should the Council still hold the view that a new link should be promoted through the MLUDF it is considered that the mechanics and timescale by which the new road is to be provided needs to be established as part of the MLUDF. This point is seen by BRBR as being crucial to the development process.

**APPENDIX  
HIGHWAYS ADVICE ON ACCESS OPTIONS**