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Dear Ms Young

**Land at Hertford East sidings, Hertford - Proposed residential development for 111 or 113 units**

Thank you for your letter dated 21<sup>st</sup> December 2011 (received 3<sup>rd</sup> January 2012) constituting the formal response to the request for pre-application advice submitted on behalf of British Rail Board (Residuary) Ltd ("BRBR"). On behalf of BRBR, I would like to respond to some of the points made in your letter.

Your letter provides advice in relation to the submitted proposals in terms of a number of key issues. I accept that there are some areas in which the submitted proposals could be improved and, whilst I do not necessarily agree with all the observations made in relation to these proposals, I do not propose to address all of these points here. However, there are a number of comments made in relation to what I consider to be the main issues raised by the development of this site, and it is in relation to these key issues that I would like to respond to the points made. These key issues are: i) Highway considerations; ii) Land assembly and; iii) Mixed uses. I respond to the comments on these issues in turn below.

*Highway considerations*

The response in highway terms to the comments in the pre-application advice are set out in the attached Technical Note produced by RPS, and are not repeated here. I would just add in this context that I am concerned about the comment made at the meeting, and re-affirmed in your written advice, that the Highway Authority is not likely to abandon a proposal that it has recently adopted in the Transport Plan for the town. I hope this should not be taken to mean that the Highways Authority and the Council have closed their minds to other, potentially better solutions to the highway issues faced in the Mill Road area purely on the basis that one solution has already been adopted.

*Land assembly*

I do not accept your contention that the decision to include only land within BRBR's ownership only reflects the owner's perspective. Whilst I acknowledge that the MLUDF envisages that the land north of Hertford East station would be developed comprehensively, the objective of including land

in 'area plans' such as the MLUDF amount to nothing if the proposals contained in those area plans are not deliverable within a reasonable time period. Nowhere is this more evident than in relation to this site. The MLUDF envisages that the BRBR site is the key to unlocking the development potential of the entire MLUDF area. This in turn is predicated on the provision of highway improvements associated with the development of the BRBR site. Setting aside for this purpose our different approach to the provision of those highway improvements, the Council has made it abundantly clear that the development potential of the wider MLUDF area can only be released once the highway improvements are in place.

By insisting upon the inclusion of the Network Rail Land as part of proposals for the development of the site, BRBR would be forced to enter into complicated and protracted discussions with Network Rail to acquire that land or make it available for development. There would be no guarantee that these negotiations would be successful, and a considerable period of time could elapse in unsuccessful attempts to acquire the land. In any event, the net result would be a significant delay to the development of the BRBR site and, because the development of the entire MLUDF area is predicated upon the provision of highway improvement as part of that development, it follows that significant delays would be incurred in securing the objectives of the MLUDF.

It is for this reason that I cannot accept your assertion that the decision to include only land within BRBR's ownership only reflects the owner's perspective. On the contrary, it is in the Council's interest to see the BRBR site developed at the earliest opportunity so that remaining areas can be developed and the wider objectives of the MLUDF secured in a reasonable time period.

In reaching this view, I have had regard to the purpose of including the Network Rail in the development of this site. The land held by Network Rail is too small in area to provide built development in its own right, and would not prejudice the development of any adjoining land. It therefore follows that the objection to the development of the BRBR site without including the Network Rail land cannot be on the basis of 'piecemeal development' in the conventional meaning. Moreover, the land held by Network Rail is too small to make any meaningful difference to the quantum of development achievable on the BRBR site and consequently the exclusion of the Network Rail cannot be said to constitute 'underdevelopment'.

The only possible reason, therefore, for including the Network Rail is to provide some form of amenity strip. However, the location and depth of this parcel of land is such that any visual benefit achieved would be strictly limited and would make no significant contribution to the overall streetscene. The limited visual benefits to be gained by including the Network Rail land are therefore significantly outweighed by the delay in securing the development of the BRBR site and the consequent delays in securing the ongoing benefits of securing the wider objectives of the MLUDF.

In conclusion on this issue, I appreciate that the Council has an aspiration to see the land north of Hertford East station developed comprehensively. However, in my view, in planning terms the inclusion of this land is just that - an aspiration. In practice, I take the view that the inclusion of the Network Rail land in the development has no significant planning benefit and there are no overriding planning reasons why that land should be included. On the other hand, the inclusion of that land would entail significant delay to the development of this site and, therefore, the delivery of the wider objectives of the MLUDF. On this balance, I take the view that insisting upon the inclusion of the Network Rail land is not a defensible planning position.

#### *Mixed Uses*

I note your comment that the Council's policies promote the retention of existing employment uses that there is a policy need to continue at least an element of employment use on this site. Whilst I understand the policy context in which these comments are made, for the following reasons I do not accept that the provision of any employment is either necessary in policy terms, or beneficial in design terms.

I note that there is no explicit requirement for continued employment use in the emerging MLUDF. Under 'Aims and Objectives', the MLUDF indicates at paragraph 2.2 that the objective is to retain as many existing employment operations as possible *beyond Marshgate Drive*. This objective does not therefore extend to the BRBR site at the Mill Road/Mead Lane end of the MLUDF area.

In relation to the Mill Road/Mead Lane area, there is reference at paragraph 10.5 to 'potential opportunities' for a range of commercial uses, with retail, restaurant and a hotel being specifically referred to (to which I return below). However, this is not expressed as a requirement, merely as a potential opportunity. Moreover, there is no reference in the MLUDF to the retention of employment uses, and no cross reference to policies in the East Herts Second Review Local Plan seeking the retention of existing employment uses. Consequently, there is in my view no foundation in the emerging MLUDF for the retention of employment uses on the BRBR site.

The policy in the East Herts Second Review Local Plan (April 2007) that seeks the retention of existing employment uses (Policy EDE2) has its origins as Policy EDE3 in the Deposit Draft of the Second Review, dated November 2004. Consequently, the retention of employment uses has been a part of planning policy in East Herts since at least November 2004. However, notwithstanding that policy stance, I note that planning permission has been granted for the residential developments of former employment sites on sites directly adjoining BRBR's site.

The first of these planning permissions (3/04/2309/FP), granted in March 2005, was for the erection of 112 apartments on the former Council Depot site on Mill Road (now "The Waterfront" development). The second planning permission (3/05/0316/FP), granted in September 2005, was for the erection of 130 residential units and a new Sea Cadet facility on the former TXU site on Mead Lane (now "The Meads" development). Both of these developments resulted in the total and significant loss of the employment use on the site. Neither development provided replacement employment uses. In my view, it would both inconsistent and unreasonable to permit the total and significant loss of employment uses on these adjoining sites and yet require continued employment use on a much smaller scale on BRBR's site, all under the same planning policy context.

The effect of these permissions, together with a further permission for 14 residential units on the former car park to "The Dolphin" granted in November 2007 (3/07/1647/FP), is to change over a very short period of time the character of the area north of Hertford East station from a predominately commercial/industrial character to a predominately residential character. In my view, the appropriate response to this rapid change in the character of the area is a wholly residential scheme that adopts the design approach of the existing residential development and reinforces that character.

I note your comment in relation to the introduction of a larger hotel or a boutique hotel with a restaurant facility. In my view, this location is suitable for neither. However, before looking at the reasons why I take that view, I would like to comment on the principle of a hotel in this location.

The BRBR site is not a town centre location. The site is some 250m (measured as a straight line) from the edge of the town centre as shown on Figure 7 in the MLUDF. The site is therefore 'edge of centre' in terms of the distance defined in PPS4 although, as indicated in paragraph 6.7 of PPS4, the circumstances in terms of connectivity and barriers of movement should also be taken into account. In this respect, the pedestrian route to the town centre from the BRBR is not direct and involves the crossing of major roads and/or negotiating junctions. For these reasons, the BRBR is not a good fit for a hotel use in PPS4 terms and therefore in principle not an obvious candidate for a hotel.

The site does not have a major road frontage and, any event, the provision of a larger hotel with the associated car parking requirements would be contrary to the objective of reducing traffic in the MLUDF area. The throughput of rail passengers at Hertford East mostly comprises commuters and day visitors, and is insufficient to justify a larger hotel. Finally, there are insufficient visitor attractions in Hertford and the immediately surrounding area to generate a sustainable demand for

hotel places. Consequently, our initial research suggests that there is no demand for a larger hotel in this location.

There is not a sufficient number or range of attractions (theatres, restaurants, museums, antique shops) in Hertford to sustain a boutique hotel and therefore make a boutique hotel viable. Moreover, the location of the site is also in the wrong location for a boutique hotel, in that the site is outside of the town centre and not well positioned in relation to those visitor attractions that are present in the town.

I note your comment that a hotel could provide an added element of interest in the streetscene and more activity. In response to this comment, I note firstly that it was not considered necessary to introduce a hotel (or retail or restaurant) in the residential developments adjoining the BRBR site in order to add interest or activity into the streetscene. It must be assumed that, by granting planning permission, the Council was entirely satisfied that the design of these development provided sufficient visual interest and activity, and in principle I see no reason to take a different view in relation to the BRBR site.

Moreover, the introduction of a hotel and/or restaurant introduces different design issues in terms of servicing arrangements, the treatment of plant and equipment and the amenities of adjoining residential properties. Clearly, in this context, it is relatively straightforward to design a hotel frontage that integrates into an otherwise residential frontage. However, where a hotel is introduced as part of a bigger development, it is another matter entirely to successfully accommodate the functional elements of the rear of the building, where it is necessary to ensure that the hotel does not adversely affect the amenities of the residential aspects of the development in terms of overlooking, visual intrusion and odours from the extraction systems and noise/light disturbance from the servicing/car parking areas. In addition, a hotel and associated car park/servicing requires a relatively large land take and therefore results in a disproportionate reduction in the quantum of development and a less efficient residential solution. Consequently, the introduction of a hotel into what is now a predominately residential area creates its own set of problems and is difficult to successfully integrate as a part of a viable mixed use scheme.

It is therefore my view that the introduction of a hotel is not beneficial or necessary in this location, and that more effective use of this site.

In conclusion, whilst I accept that there are some areas in which the submitted proposals could be improved, there are a number of comments made in your pre-application advice with which I fundamentally do not agree and which in my opinion are unsubstantiated. I would welcome any comments that you may have in relation to this response.

Yours sincerely



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**BRBR LAND AT MILL ROAD,  
HERTFORD**

**TECHNICAL NOTE 3:  
PRE-APPLICATION RESPONSE  
COMMENTS**

Date: 25 January 2012

**Our Ref: SRD/JNY7022-03B**

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# QUALITY MANAGEMENT

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# 1 INTRODUCTION

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## a) Background

- 1.1 This Note has been produced on behalf of BRB (Residuary) Limited in response to East Herts Council's pre-application response dated 21 December 2011 in regard to residential redevelopment proposals for their land at Mill Road, Hertford.
- 1.2 The proposals incorporate the development of either 111 or 113 residential dwellings, 84 associated car parking spaces with vehicular access via Mead Road.
- 1.3 This Note provides a brief summary of the main transport matters identified within the response and then considers and responds to the key items separately in Section 2.

## b) Pre-Application Response

- 1.4 East Herts Council's pre-application response to the proposals identifies one of the key issues for the determination of any planning application for this site to be:

*'Whether the impact of development on the local highway networks are acceptable in their own right and whether the lack of provision for emergency access and the secondary link road is acceptable having regard to the Highways provisions of the Hertford and Ware Urban Transport Plan (as well as the anticipated policy provisions of the future MLUDF).'*

- 1.5 The response includes Hertfordshire County Council Highways position as:

*'...the Highways position would be that the lack of a dedicated all purpose secondary access as outlined in the Mead Lane sub study contained in the Hertford and Ware UTP would be prejudicial to the development of the Mead Lane area.*

*The County do not see the emergency access only provision provided through the proposed residential estate as a realistic alternative to the proposals outlined in the MLUDF.*

*They are also concerned that the LSH proposals do not make adequate provision for the public transport interchange which is another key feature of the Mead Lane sub study contained in the Hertford and Ware UTP.*

*The link road north of the station from Mill Road to Mead Lane as advocated in the Hertford and Ware Transport Plan and the draft MLUDF can provide a number of benefits as well as essential provisions*

- *Addressing historic issues of limited access into the wider Mead Lane area and limitations on development*
- *Provision of improved alternative routes for emergency access and egress*
- *Provision of improved circulation for public transport and public transport interchange*
- *Redirection of commercial traffic to Mead Lane away from residential areas to the north and west of the area*
- *A design opportunity to provide new built frontage opposite Hertford East*
- *An opportunity to provide more direct connections for pedestrians and cyclists to Hertford East in well overlooked movement corridors.'*

- 1.6 The response also states that *'The Highway Authority is not likely to abandon a proposal it has adopted in its recent Transport Plan for the town.'*

## 2 COMMENTS

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### a) Introduction

2.1 Within this section the key local authority comments are considered under the following headings:

- i. Link Road Proposals;
- ii. Secondary Emergency Access;
- iii. Public Transport circulation / Interchange;
- iv. Parking Provision;
- v. New Station Access;
- vi. Site Access Proposals; and
- vii. Funding.

### b) Allocation of the site

2.2 It is noted that the site is not allocated within the adopted East Herts Local Plan (April 2007) and there is currently no allocation within the emerging Local Development Framework (LDF).

2.3 The Hertford and Ware Urban Transport Plan (HWUTP) is an aspirational document that provides the technical studies to help inform the LDF plan making process. It is acknowledged that whilst the HWUTP is not adopted planning policy, it has been adopted by Hertfordshire County Council with the support of East Herts Council.

### c) Link Road Proposals

2.4 The Council's proposals for a link road to be provided through the site are currently an aspiration set out within the HWUTP; although is not currently planning policy.

2.5 However, it is noted that it is the view of Hertfordshire CC Highway's that:

- i. not providing such a link road would be harmful to the potential development of the Mead Lane area; and
- ii. the provision of emergency access only through the site is not appropriate.

2.6 The Mead Lane sub-study (HWUTP; Appendix E) identifies that based on current design guidance there is no requirement for a second access into the Mead Lane area to enable further development to occur and does not identify any capacity constraints internal to the Mead Lane area to new development, although it does note that emergency services should be consulted.

2.7 It is noted that no assessments have been undertaken by HCC to demonstrate how much capacity is required for any highway access road.

2.8 It is also noted that there is no funding identified for the provision of a link road and that a potential source of funding would be via S106 contributions (HWUTP; Table 8.9; Page 78).

- 2.9 RPS consider that the provision of the link road as proposed covers such a short distance that it would not address any perceived limited access issues. Whilst there are no identified capacity constraints internal to the Mead Lane area, RPS consider that the improvements proposed to Mead Lane as part of the redevelopment address the perceived limitations, through enabling more free flowing movements along Mead Lane and easing movement for large vehicles around the Mill Road / Mead Lane bend, and could be delivered at a much lower cost than the construction of a new link road and without the need for significant new highway infrastructure.
- 2.10 RPS also consider that the provision of a link road through the site would have a detrimental impact on the development potential for the site and would result in an over-engineered solution to existing problems through the introduction of an additional main road corridor and associated junctions to the detriment of other road users, including vulnerable users (pedestrians, cyclists, mobility impaired).
- 2.11 Whilst the development proposals do not deliver a new link road, RPS considers that the key objectives of the HWUTP and draft MLUDF are delivered through the proposed alternative approach.
- 2.12 Vehicular traffic would travel along the route that is perceived to be the easiest and most direct, and therefore the majority of traffic is likely to travel along either the existing Mill Road / Mead Lane route or the new link road, with roads unnecessarily dominating the area to the detriment of residential amenity.
- 2.13 It should be noted that any additional vehicular traffic to the Mead Lane area will typically be outside of the peak traffic hours, as potential for new development has been achieved through the proposed implementation of sustainable transport measures and introduction of land uses that would result in freeing up capacity on the highway network that is not currently there. Hence the existing internal highway network should be sufficient to accommodate the additional vehicular trips.
- 2.14 The response notes that it is likely the proposed road widening of Mill Road would result in increased vehicular speeds, making ‘...conditions less hospitable for pedestrians and cyclists...’ As discussed at the pre-application meeting, the general design of Mead Lane could be altered to ensure vehicular speeds along this access are minimised, whilst maintaining appropriate levels of access for HGVs along this route and providing specific facilities for pedestrians and cyclists.
- 2.15 Whilst the development proposals do not deliver a new link road, RPS considers that the objectives of the HWUTP and draft Mead Lane Urban Design Framework (MLUDF) are delivered through an alternative and more desirable approach. The HWUTP Mead Lane sub study does not identify the need for the link road as an access route, whilst it notes the benefits of doing so. However, it does identify its primary need as providing an alternative emergency access, along with providing better bus service circulation and the ability to provide a passenger transport interchange. I deal with these matters below.

**d) Second Emergency Access Route (via Link Road)**

- 2.16 Neither the HWUTP Mead Lane sub-study nor the MLUDF identify a need for a secondary emergency access through the BRBR Mill Road site and there is no current allocation for / policy requiring such a route to be provided through the site.

- 2.17 The HWUTP sub-study does, however, identify that Hertfordshire CC Highway's require the provision of a second emergency access route into the Mead Lane area, although does not detail why this is the Council's position.
- 2.18 RPS assumes that HCC require a secondary emergency access in the event of an incident along the length of the single stretch of access, such as a breakdown or for maintenance.
- 2.19 It is noted that the study does not demonstrate a need for an emergency route to be provided through the BRBR site and only identifies that the provision of an emergency route over this site would minimise the length of the single point of access (Mead Lane sub-study; Paragraph 6.2.2; Page 46). The sub-study concentrates on the provision of a secondary emergency route in front of Hertford East railway station, and provides potential options for this.
- 2.20 Notwithstanding, the development proposals for the site incorporate the provision of an emergency / pedestrian / cycle access through the site. The specific detail of this route could be worked up in conjunction with the County Highways and offered for adoption to provide the required control over this route. RPS consider this would offer a suitable alternative emergency route should an incident occur along on Mill Road / Mead Lane in the vicinity of the site and therefore meeting with HCC's aspirations.

**e) Public Transport Circulation / Interchange**

- 2.21 The pre-application response identifies the aspiration for a '*...significant public transport interchange near to the station.*' And advises that the development proposals would not '*...secure the improvements to the passenger transport network and links envisioned in the draft MLUDF.*'
- 2.22 The MLUDF does not provide any steer as to the potential size of facility required and the anticipated demand requirements of, or need for, a public transport interchange have not been identified or demonstrated within the HWUTP Mead Lane sub-study. It is therefore not possible to say whether the proposals make adequate provision for this type of facility.
- 2.23 The only indication of the size of the facility required is provided within the emergency access options and link road layout plans, which illustrate a facility able to accommodate one bus. On this basis RPS consider that the development proposals put forward for the provision of a bus turnaround facility and a bus stop and would make adequate provision and is in accordance with the requirements illustrated in the HWUTP.
- 2.24 It is noted that there is no allocation within the Local Plan for the provision of a public transport interchange on the BRBR site nor are there any funds currently identified for the provision of this facility.
- 2.25 The provision of a bus stop / layover facility on Mill Road could be incorporated as a lay-by within the BRBR ownership if appropriate.
- 2.26 The Council's position is that the link road would provide for improved circulation for public transport. RPS consider that the proposed bus turnaround facility would provide for a comparable level of circulation to that that would be achieved through the construction of the link road and at a much lower cost and therefore satisfying this aspiration.

**f) Parking Provision**

- 2.27 The pre-application response considers parking provision for the proposed development and acknowledges that the proposals incorporate provision at the lower end of the Council's range based on the location of the site; however, it identifies that a lower level of provision would be considered for this site in conjunction with the wider transport improvements for the Mead Lane area and potential Travel Plan measures.
- 2.28 The level and design of car parking would be fully considered when working a scheme up in detail ready for submission as a planning application. However, all provision will be in accordance with the HCC standards for the area.
- 2.29 Cycle parking for any forthcoming proposals would be provided in accordance with the current adopted standards. This is therefore not considered to be an issue for further debate with HCC.

**g) New Station Access**

- 2.30 The potential for a new access to Hertford East station at the east end of the main platform would be explored; however, would not be included as part of any forthcoming planning application as BRBR would not have control over the delivery of such a link. If discussions with Network Rail are favourable then the potential for such a link to be provided would be identified within the application, but would be subject to further negotiation with Network Rail.
- 2.31 Any design for the BRBR site would not prejudice the provision of such an access if required in the future.

**h) Site Access Proposals**

- 2.32 It is noted that in the pre-application response East Herts Council confirm that in principle they '*...see no difficulty with access points to the site from all 3 sides.*' This is therefore not considered to be an issue for further debate with the Council.

**i) Funding**

- 2.33 The response identifies that there are some S106 funds secured in relation to sustainable transport measures; however confirm that these funds would not cover any new road infrastructure.
- 2.34 There does not appear to be any existing funding secured for the provision of a new link road / emergency access facility or for a new public transport interchange. It is not considered reasonable that BRBR should be required to provide both the land for such facilities and fund their provision. Any S106 contribution should take into account any dedication of land for highway works, deducting this value as appropriate. This will require further discussion with both East Herts Council and HCC.

**j) Overview**

- 2.35 The pre-application response considers that the development proposals for the BRBR Mill Road site are not acceptable as they do not provide an all purpose secondary access route as outlined in the HWUTP (Appendix E: Mead Lane sub-study), an appropriate secondary emergency access route or appropriate public transport interchange facilities.

- 2.36 The site is not currently allocated within the Local Plan or emerging Local Development Framework and there is no funding secured for the provision of a link road / emergency access route or public transport interchange.
- 2.37 The HWUTP Mead Lane sub study does not identify the need for the link road as an access route, whilst it notes the benefits of doing so. However, it does identify its primary need as providing an alternative emergency access, along with providing better bus service circulation and the ability to provide a passenger transport interchange.
- 2.38 Whilst the development proposals do not deliver a new link road, RPS considers that the objectives of the HWUTP and draft MLUDF are delivered through an alternative approach.
- 2.39 RPS consider that the following matters are in principle agreed with East Herts Council / HCC:
- i. Parking provision;
  - ii. New station access; and
  - iii. Site access proposals.
- 2.40 RPS considers that the following matters will need to be discussed further with East Herts Council / HCC:
- i. Link road proposals;
  - ii. Second emergency access route;
  - iii. Public transport circulation / interchange; and
  - iv. Funding.