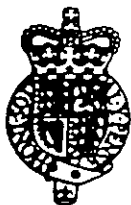


1853/97



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987-8927
Switchboard 0117-987-8000
Fax No 0117-987-8769
GTN 1374-8927

Berwin Leighton
Solicitors
Adelaide House
London Bridge
London
EC4Y 9HA

Your reference
WFON/T34/7615: Wesley Fongenie
Our Reference
T/APP/A1910/A/95/261764/PS

DATE

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref. C					Ack.	
DoP		DP	O.C.	B.C.	Admin.	File
Received					15 JAN 1997	
Comments SECTION 78 AND SCHEDULE 6						

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990,
APPEAL BY TESCO STORES LIMITED
APPLICATION NO:-4/0838/95**

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the failure of Dacorum Borough Council to determine, within the prescribed period, an application for outline planning permission to demolish existing buildings and to erect a supermarket (Class A1), with associated car parking and revised access arrangements, on the site previously occupied by Cox Thermoforming Limited, London Road, Tring, Hertfordshire. I held an inquiry into the appeal from 1 to 15 October 1996.

THE SITE AND SURROUNDINGS

2. The appeal site is just under 1.3ha. It lies at the south eastern edge of the town beside London Road (A4251, which connects to the A41(T) by-pass), but within about 330m of the High Street¹.

3. Until recently the site was occupied by Cox Thermoforming Limited for 'perspex shaping and fabricating', a restricted 'light industrial' use first granted in 1958². The assortment of sheds, workshops, converted offices and the modern warehouse that have since accumulated on the site stand empty; the Company (with a workforce of about 70) now operates from the town's Icknield Way Industrial Estate³.

4. The buildings provide almost 4100m² of 'employment' floorspace arranged around a triangular courtyard with a gated access just beyond a bend in London Road⁴. Most of the offices

¹ See plan D1. The distance is measured from the site to the defined 'town centre'.

² Document 23.3.

³ Document 15 and the photos at 15.C.

⁴ See the schedule at document 15.C.



are contained in 'The Bothy', a late nineteenth century building designed by a local architect and adorned with a plethora of white-rendered gables, tile-hung roofs and brick chimneys¹. But those features are largely seen above the strands of barbed wire surmounting a boundary wall, or beside industrial paraphernalia and the modern cladding of an extensive warehouse, or beyond a banal box-like building by the roadside². Decoration, minor repairs and a little refurbishment would suffice to render most of the office accommodation useable³; and the warehouse would provide a modern single span storage facility. The workshops are older and of poorer quality. Demolition is suggested for what is thought to be a 1940s brick-built structure. The other units (which might have been constructed almost 40 years ago) are equipped with 3-phase electricity, high capacity switch gear, warm air heating, fluorescent lighting and a sprinkler system, but the shoddy prefabricated panels present a mean and out-dated appearance; there is no insulation and some of the panels need replacing⁴.

5. Permission was granted in 1985 to almost double the size of the workshops by extending the existing structures towards Tring Park. Conditions required the provision of some 72 car parking spaces and a Section 52 Agreement governed the planting of a 10m wide tree belt within the parkland to the south⁵. Much of that planting appears to have taken place, though the proposed extension was never started. However, both that permission and the planting clearly played a part in the decision to exclude a sliver of the appeal site - between the workshops and the parkland - from the Green Belt. In considering objections made to the Dacorum Borough Local Plan in 1992, the Inspector recommended that the edge of the Park would provide a 'more logical, stronger and more clearly defined' boundary to the Green Belt, while the excluded area might make a 'very modest addition' to employment land within Tring; his recommendation was accepted⁶.

6. Largely hidden from the appeal site beyond a line of mature trees, dense undergrowth and the burgeoning tree screen (beside the southern and western boundaries), lie acres of views and vistas in Tring Park. This is a 'registered historic parkland' extending well beyond the by-pass; it is included within the Chilterns AONB and the Green Belt⁷. Approaching Tring along London Road (from the south east), the parkland is also obscured behind yet more trees and a flint wall; the ugly box-like building on the appeal site is one of the first intrusions into that sylvan scene⁸. Fields and farmland extend eastwards. Dunsley Farm stands opposite; the house, outbuildings, bails of straw and machinery contrast with the industrial-like buildings on the appeal site (as do cows ambling to the milking parlour along the main road). Beyond the farmstead, the sight of football pitches, playing fields, flood-lit tennis courts and the suburban dwellings lining Station Road, herald the approach of the town centre⁹.

¹ William Buckvale undertook many commissions for the Rothschilds, document CDe.

² See photos 1.

³ I think the costs quoted at document 14.7 are excessive.

⁴ Documents 15/1 and 15.C.

⁵ Document 23.4.

⁶ Documents 23.5-23.7.

⁷ Documents 23.7 and 24.6-24.10; also the photos at 24.2.

⁸ The sequence in photos 1 shows this.

⁹ Photos 1.

7. Immediately to the north of the appeal site is a secluded enclave of 4 detached dwellings. The warehouse and workshops on the site stand close to the northern boundary: the back gardens of the adjacent properties are quite modest (roughly 14m deep)¹. The south western boundary of 'Beechwood' is formed by an ancient brick wall (probably once part of a walled garden) which continues on to the appeal site². Beyond those dwellings are small neat properties and 'retirement' apartments arranged around the cul-de-sac at Dunsley Place; this relatively modern development backs on to the Memorial Gardens at the eastern end of the High Street. A tall brick wall - often behind a grass verge - runs beside London Road from 'The Bothy' to the High Street. Some care has been taken to maintain the impression of continuity at Dunsley Place by re-building that wall behind grassed visibility splays and extending it around the entrance to the cul-de-sac³.
8. Tring itself is an attractive small town. The High Street and the narrow streets to the south - as far as Tring Park - are within the Tring Conservation Area, a place littered with interesting façades and several Listed Buildings. Most of the High Street is designated as the 'town centre' in the adopted Local Plan. This extends to the corner of Brook Street (and the junction with London Road)⁴. Traffic calming measures and new paving enhance the place. But, the High Street is not often bustling, save on market days. This may be due to gaps in the shopping frontage (formed by car parks, hotels and other uses), to shops being on only one side at either end, and to the design of Dolphin Square - a creation of the early 1980s - which is partly set back behind the main retail frontage⁵. There are about 90 commercial units in the town centre of which about 10% are shops selling 'convenience' goods; over 40% are 'comparison' or 'other' retail units and barely 7% are vacant⁶. The Budgens supermarket is by far the largest 'convenience' store within the town. It serves to anchor the trade at Dolphin Square and it has about twice the net floorspace of all other 'convenience' shops together, roughly 7550 sq ft (some 700m²) compared to some 3760 sq ft (350m²)⁷.
9. Dolphin Square and the length of High Street to the Old Forge car park (nearly 200m) are defined as the 'primary' shopping area in the Local Plan; the appeal site lies some 400m from that car park⁸. On Fridays, about half of the car park is used for an open stall market offering a wide variety of items from fruit and flowers to cleansers and clothes. To the north, stand the rusting pens and buildings of the old Cattle Market; here, there is a fortnightly auction of antiques, furniture and bric-a-brac⁹.
10. Tring is one of only 3 'town centres' identified in the Local Plan (policy 34). In terms of 'convenience' shopping it is by far the smallest. It offers little more than 1000m² (net) of

¹ Plans B2, B3 and D2.

² Plan A2.

³ Photos 1.

⁴ Plan E and document CD3.

⁵ Plan D2.

⁶ Document 16.16.

⁷ These figures are taken from document 16.12.

⁸ Plan E and document CD3. The distance measurement is from document 11 minus 60m from the edge of the appeal site to the proposed store entrance.

⁹ Document 15/1.

'convenience' floorspace compared with over 3000m² shortly to be available in the 'town centre' of Berkhamsted and over 16000m² in Hemel Hempstead¹. Of course, the latter is a much bigger place, described as a 'minor sub-regional centre'. But both Tring and Berkhamsted are asserted to be 'district centres serving each town's broad needs for groceries and convenience goods as well as providing a range of non-food shops'².

THE PROPOSAL

11. The proposal involves the demolition of the existing buildings on the site and the erection of a foodstore; car parking would be laid out and revised access arrangements provided³. The scheme is submitted in outline with all details reserved for subsequent approval⁴. However, it is envisaged that Tesco would build a 'compact' store here providing a gross floorspace of some 26500 sq ft (about 16200 sq ft net - roughly 2500m² and 1500m² respectively) accommodating a coffee shop, delicatessen and an in-store bakery⁵. It is likely that there would also be a cash-point, that the store would sell newspapers and that there would be a pharmacy if appropriate approval were to be granted under other legislation. The scheme does not include a petrol filling station.

12. Illustrative drawings show the store positioned towards the northern boundary of the site, roughly in the position of the workshops and modern warehouse building, though marginally further from adjacent properties⁶. Cross sections indicate that the store would be similar in height to those existing structures although the false roof 'parapet' illustrated would project about 1m above the existing roof lines⁷. A landscaped car park would be laid out to the south of the store providing space for 206 cars (including 13 for staff) and a re-cycling centre: the service yard is shown to the east. A wall, 3m in height, would be built along the site frontage and curve into the access road; it would be set behind grassed visibility splays. That would extend the length of wall and verge along London Road and replace the section of wall demolished to accommodate the scheme. Additional landscaping is indicated around the proposed store and positioned to strengthen the tree screen (and existing specimens) on the southern boundary⁸.

13. Access would be via London Road. The initial scheme had involved a 'T' junction with a ghost island and a right turn lane; it is clear that such an arrangement would have provided safe access to the site⁹. However, in response to comments and negotiations, it is now intended that the existing entrance would be closed and a mini-roundabout constructed (also incorporating the entrance at Dunsley Farm). The drawings show that London Road would be widened to accommodate a 'right

¹ Document 16.12.

² Document CD3, the 'background' to policy 36.

³ Plans A.

⁴ CD8.

⁵ Documents 23.11 and CD9.

⁶ Plans B1 and B3.

⁷ Plan B2.

⁸ Plans A and B.

⁹ Plan C and document 13.

turn' filter lane - for traffic entering the site from Tring - and a slight realignment of the carriageway around the bend. The re-positioning of the 30mph traffic signs to the south of the new junction, and the roundabout itself, is intended to serve as a traffic calming measure on the approach to the town from the by-pass (A41(T))¹. In addition, London Road would be widened to provide 2-lanes on the approach to the Brook St/High St junction²; and, a contribution of £20000 is offered towards traffic calming measures in Brook Street itself³. Agreements and Undertakings have been signed and sealed in support of these works⁴.

14. A bus stop is shown beside the proposed store⁵. Currently, about 10 buses a day (5 each way) pass the appeal site⁶. However, operators indicate a willingness to consider diverting services No.27 and No.T3, which together could provide up to an additional 50 buses (25 each way), though some diversions might not take place in peak hours⁷. Roughly 150 buses a day ply up and down the High Street (75 each way), stopping opposite the Parish Church, about 70m from the entrance to the Old Forge car park⁸. It is agreed that walking along the High Street and London Road to the proposed store entrance would involve a distance of some 460m if pedestrians were provided with a route through the roadside wall and across part of the service yard⁹. The store entrance would thus be some 530m from the main bus stop in the High Street.

THE OBJECTIONS

15. The Council have four main objections to the scheme. The gist of these are set out in the reasons for refusing the duplicate application which, had jurisdiction been retained, would also have applied to the appeal proposal¹⁰. In essence, the Council maintain that the project would conflict with the Development Plan because the store would; undermine the vitality and viability of Tring town centre; occupy an out-of-centre location when a more central site might be available; waste good quality 'employment generating' land and buildings for which there is a local need; and urbanise, through increased traffic and associated highway works, the rural character of the approach to Tring along London Road.

16. In relation to the first reason, the Local Plan¹¹ seeks to prevent new retail development from seriously affecting the vitality and viability of nearby 'town centres' (policy 37). Tring is identified

¹ Plan A3 and document 7B.

² Documents 7B and 12A.

³ Document 7A. A long term scheme to widen Brook Street (not yet designed or programmed) is listed in the Local Plan, CD3.

⁴ Document 7.

⁵ Plan A3.

⁶ Document 12.II.

⁷ Document 12.D.

⁸ Document 12.II.

⁹ Document 11.

¹⁰ CDs carefully sets out the considerations leading to these 'reasons for refusal'.

¹¹ CD3.

as one of 3 such centres (policy 34) in the 'main shopping hierarchy', which the Plan aims to strengthen (policy 36). The Council believe that the appeal scheme would contravene those policies, as it would have a 'serious' impact on Tring. First, they consider that the apparent prosperity of the place could mask an underlying fragility; although vacant shops have been few (and the proportion is now declining), units have sometimes remained empty for long periods and changes have tended to undermine retail activity involving, for example, the replacement of 'greengrocers' and 'wool shops' with 'double glazing showrooms' and 'hairdressing salons'¹. Second, both main parties agree that the impact on the Budgens supermarket would be quite high (24%-25%)². But, the Council believe that such an impact would threaten the closure of the store. And, because of its crucial role in the 'town centre' - nearly all 'shoppers' visit it (86%) and many of them visit other shops too (72% of those undertaking 'main food' shopping in the town³) - the small independent 'convenience' outlets would not only have to cope with direct competition from the proposed Tesco store but also with a marked decline in their 'spin-off' trade from Budgens; the Council's estimated impact on those outlets (of some 35%) is suggested to be devastating⁴.

17. The second reason invokes the 'sequential test'. Both the Structure Plan and the Local Plan pre-date the latest version of PPG6. Even so, policy 80 in the former seeks to prevent schemes outside town centres that could be accommodated within them: policy 37 of the latter imposes a similar test and insists that such development should extend the range and diversity of outlets available to shoppers⁵. The latest version of PPG6 is more forceful. It is now incumbent on developers to demonstrate that '...all potential town centre options have been thoroughly assessed before less central sites are considered...'. The Council claim that that has not been done.

18. A key reason for that assertion is the existence of a proposal made by J Sainsbury to erect a foodstore on the site of the cattle market, auction rooms, fire station and Old Forge car park, in the town centre. The current version of this scheme⁶, recently amended by letter (dated 20 September 1996), envisages a store of some 2260m² (over 24000 sq ft) gross with a net sales area of about 1400m² (15000 sq ft); 282 car parking spaces would be provided on two levels, sufficient to replace the existing capacity of the Old Forge car park (168) and fully meet the relevant car parking standard for 'town centre' foodstores (113). Vehicular access to the store is shown via a new mini-roundabout in the High Street: service vehicles would continue along Brook Street to manoeuvre into the service yard at the back of the building. This amended scheme is intended to take account of public consultations undertaken in February 1996 following an application for a larger store (2700m² gross) in December 1995; that earlier submission had itself followed a previous proposal, made in July 1995, incorporating the Brook Street Garage⁷.

19. The Council accept that there could now be a need, unforeseen during the Local Plan process,

¹ Documents 16.16, 15.1, 15.G and 15.H; it is also suggested that the rent increases at Dolphin Square are a product of tough negotiation rather than a direct reflection of a buoyant local economy.

² Document 20.

³ CD9, tables 11.1 and 18.3.

⁴ Document 20.

⁵ CD1 and CD3.

⁶ More detail is at CD17B and CD17E.

⁷ Site plans relating to those earlier schemes are at documents 23.13 and 23.14.

to 'extend the range and diversity of outlets' in Tring¹. The household survey indicates that, even from the immediate catchment area (within 0-5 minutes driving time) about 84% of 'main food' shopping trips are made to stores or centres elsewhere²; 'impact' tables suggest that barely 8% of the 'convenience' spending within the 0-10 minute drive-time occurs within the town centre³. Confirmation comes from the street survey. Only 28% of all those undertaking some shopping when interviewed in the town also did their 'main food' shopping there; so, a large proportion (72%) of those who actually use the town for some shopping do their 'main food' shopping elsewhere⁴. Clearly some action is required to strengthen the 'town centre' if it is to properly perform its role in the 'shopping hierarchy', identified by the Local Plan, of serving Tring's broad needs for groceries and convenience goods⁵. That is explicitly recognised in the recently published Tring Shopping and Town Centre Study, now put forward for consultation. The intention is that the comments and views received during consultation will be used to complete the Study, which will then form the basis of a 'policy review' dealing with retail provision, town centre development, highways and car parking⁶.

20. The Study currently puts forward three 'realistic' options for consultation with the aim of improving the quality, and possibly the quantity, of shopping provision in Tring. Essentially, the choices involve the erection of a new foodstore, either on the appeal site or the Cattle Market, or the refurbishment and possible extension of Dolphin Square. (Complete redevelopment of Dolphin Square appears to have been ruled out as an unattractive proposition.) Development of the appeal site is rejected due to the perceived impact on the 'town centre'. The other two options remain. However, it is claimed that the Study '...clearly points towards the advantages of creating a new modern town centre foodstore ... (option 2).'

21. Nevertheless, the Council are not promoting the current proposal made by J Sainsbury. The scheme has not yet been determined; constraints still need to be addressed and problems still require solutions. Instead, the Council claim that, having identified a need to improve shopping provision in Tring, there exists a realistic possibility that approaches based on strengthening the town centre - in accordance with the Local Plan and PPG6 - could be devised. All agree that permission for the appeal scheme would be likely to pre-empt the construction of a similar sized foodstore in the town centre. Hence, the Council object because there has not yet been an opportunity to fully explore the town centre options to improve shopping provision. This Inquiry is thought to be an inappropriate forum. In any case, they claim that J Sainsbury have not had an adequate opportunity to respond to the criticisms levelled at their current scheme.

22. The third reason involves the need to prevent retail development on 'employment generating' sites. The appeal site is identified as one of five General Employment Areas in Tring under policy

¹ This is explicit at document 22.A and is recommended by their retail consultant in document CD9.

² Documents 16.7 and CD9, table 2.

³ Document 16.12, table 8.

⁴ CD9, table 10.2.

⁵ This is in accordance with policy 36; the role of the 'town centres' is set out in the 'background' to the policy.

⁶ Document 22.A.

⁷ Document 22.A.

28¹. Although the policy is worded 'permissively' and does not explicitly prevent retail proposals, other sections of the Plan indicate that both retail and housing development should be resisted in GEAs². In any case, PPG6 is quite clear that retail schemes should not normally be allowed on sites designated for other uses in a Development Plan, especially for employment or industry, particularly if such development would limit the range and quality of sites likely to be available. No-one disputes that there is now '...more than sufficient land currently in, or allocated for, employment use to meet (Structure Plan) requirements'³. Even the Council's estimates show that nearly 300000m² of 'employment' floorspace remain available in the Borough⁴ and forecasts prepared by 'Pieda' indicate that the current provision (including allocations) are likely to comfortably exceed forecast demand in 2011⁵. It is suggested that there may be potential to release some 'employment' areas for other uses; and, given the emerging need for more dwellings together with the emphasis on 'planned regeneration', it is accepted that some older industrial areas (including those in Tring) might be considered for new housing⁶. Nevertheless, the Council maintain that there is a strong local market for 'employment' floorspace in Tring and that the appeal proposal would limit the range and quality of 'employment' sites available there.

23. It is asserted that Tring appeals to a special market⁷. It is an attractive small town with good communications and much of the floorspace is available in small units at the lower end of the market. Indeed, of the 5 GEAs, only the industrial estate at Icknield Way offers fairly modern premises and the advantages of a logical road layout⁸. Others have evolved in bits of large buildings (Silk Mill), or expanded around old warehouses and narrow lanes (Akeman Street), or straggled into sheds and shacks across old coal yards (Western Road). Some of the occupants are long established. But premises like these also provide fertile nurseries for new enterprises and small businesses. Buildings on the appeal site could serve the same market. With some refurbishment, they could also provide a 'bridge' from the small cramped premises close to the town centre to the larger purpose built units at Icknield Way, for the site is well located between the town centre and the by-pass and the existing buildings could provide a wide range, of 'employment' floorspace, in terms of both size and quality. And, if it were eventually decided to release some of the older industrial areas for housing, the appeal site might provide a suitable place to accommodate some of the displaced enterprises⁹. The appeal proposal would clearly limit all those possibilities.

24. In addition, there is evidence that the demand for industrial and office premises in Tring is becoming firmer. Office premises have always been in short supply and the number of vacant industrial units has steadily declined over recent years¹⁰. In reality, barely 3% of the total industrial

¹ CD3.

² Policy 7 in the Local Plan, also at CD4, etc.

³ CD4.

⁴ Document 14.9, letter from Mr Robinson dated 7 October 1996.

⁵ Document 23.24.

⁶ Document 23.21.

⁷ Document 15.1.

⁸ Document 15.A.

⁹ This is largely taken from the evidence presented by Mr McFarland and Mr Robinson.

¹⁰ Document 15.B.

floorspace in the town is now vacant¹. Yet, there have been enquiries for premises involving about 6 times as much space². There have also been enquiries for office suites, some of which cannot be met from the existing stock of premises³. The appeal scheme would thus stifle the opportunity to meet such demand within Tring.

25. The Council claim that the local market for industrial premises and offices would support the general refurbishment of the appeal buildings (possibly with limited demolition and some new building) rather than the complete redevelopment of the site⁴. The appellants assertion that such a scheme would not be viable is disputed. The rents they assume display no understanding of the local market and are substantially below the levels actually achieved for comparable premises elsewhere in the town. And, their estimated costs of refurbishment include much that must be unnecessary, especially as the buildings have only recently been vacated⁵. The demolition costs seem high; the refurbishment of the workshops appears to allow for the complete replacement of walls and roof, as well as for the installation of services that are already there; the relatively modern warehouse is to have its roller shutter doors renewed; refurbishment of 'The Bothy' appears lavish; and the estimate for highway works (including the diversion of services) is not only inflated, but also the mini roundabout proposed may not even be required. It is suggested that the main impediment to the site being occupied now is the appeal proposal rather than any real financial constraint.

26. The fourth reason concerns the urbanising effect of the scheme on the rural character of the approach to Tring along London Road. The approach is sensitive for the road skirts the Chilterns AONB, Registered Parkland and the Green Belt⁶. The impression is of nearing a small market town for, even the appeal buildings are seen with the rural flotsam amongst the fields and farmland at Dunsley Farm, and the attractive white rendered gables of The Bothy herald the Arcadian architecture encouraged by the Rothschild family so typical of Tring⁷. The visual impact of the ugly structures on the appeal site should not be exaggerated. They are not especially prominent, some being partially hidden behind the 2-storey 'Bothy', the roadside wall or masked by trees. And, being on the inside of a bend, those approaching the town look naturally towards the opposite hedgerow and the playing fields beyond, while those leaving it glimpse the Chiltern Hills across the intervening fields.

27. It is inevitable that a new store here would radically alter the character of the roadside scene. The building itself would be set back from London Road behind an extensive car park⁸. However well landscaped and sensitively illuminated, the bulk of the new building, the serried ranks of parked cars, the bustle of shoppers, and the likely plethora of signs and logos must alter the existing impression of the settlement beyond. Indeed, the new roundabout, together with the associated lights and signs - including the re-positioned 30mph signs - would effectively bring the entrance to the town

¹ Document 15.1.

² Document 15.D.

³ Document 15.E.

⁴ Document 15.1.

⁵ Document 14.7.

⁶ Document 24.10.

⁷ Document 24.2 and other photos.

⁸ For example, at document 24.6.

some 400m further along London Road¹. Such an urbanising effect would be accentuated by the widening of the carriageway and the increase in traffic. An appropriate semi-rural approach to a small and historic market town would be spoiled.

28. Of course, industry and business could also engender activity and traffic here. But the Local Plan tempers the designation of this GEA by indicating that the existing frontage and access point should be retained and by pointing out that new development should respect the sensitive relationship to the trees, Green Belt and the AONB². Moreover, even assuming that maximum use were to be made of the site, traffic likely to be generated by industry or business would amount to roughly 35-70% (respectively) of the nearly 200 additional vehicles travelling back and forth from the town to the store along London Road during peak hours³.

29. Local people are divided about the proposal. The initial views expressed during the consultation stage are carefully analysed in the Planning Officer's report⁴. At that time responses supporting the scheme outnumbered those opposing it by roughly 3 to 1. Many of those *opposing* the proposal raise similar objections to the Council; the impact on local traders, on the town centre and on the character and appearance of Tring are some of the principal concerns. Worries are also expressed about the amount of traffic likely to be generated by the store and its effects on the road safety and congestion experienced both in the High Street and on London Road. There are also some more detailed points relating to design, loss of trees and the appropriateness of other uses⁵.

30. In addition, nearby residents consider that the project would impair the peace, privacy and prospect that they might reasonably expect to enjoy⁶. The slightly higher roof line of the proposed store would obscure a small but significant proportion of the sky from the rear windows of their homes. The removal of an old garden wall and some of the dense vegetation nearby would open up the back gardens and bedroom windows to the casual gaze of shoppers in the adjacent car park. And, the activity, bustle and the noise of cars manoeuvring into parking places would intrude into the peace and quiet that might be expected in what are secluded back gardens.

31. In contrast, local people *supporting* the proposal emphasise the contribution such a store would make to the shopping provision within the town. The store would encourage Tring residents to shop locally, rather than travel elsewhere and, in so doing, boost trade within the centre rather than undermine it. In the absence of such a store it is suggested that trade must continue to leach away to other centres, so hastening the further decline of shopping facilities in Tring. The proposed location, outside the town centre, is seen as a benefit avoiding the need for all traffic, including HGVs, to traverse the narrow High Street⁷.

¹ CDS.

² CDS, policy 28.

³ Documents 12 and 13.F.

⁴ CDS.

⁵ Documents 3-5.

⁶ Mainly set out in document 3.

⁷ Document 5 and Mr Anderson's pamphlets in document 3 set out the main points.

THE ISSUES

32. In those circumstances, from all the representations and from all that I saw during my site inspection, I find that this case turns on whether the proposal would:

- i. unacceptably affect Tring town centre, or
- ii. properly encompass the 'sequential approach' to site selection, or
- iii. unnecessarily utilize 'employment generating' land and buildings for which there is a local need, or
- iv. spoil the rural character of the approach to Tring along London Road, or
- v. impair the peace, privacy or prospect that local residents might reasonably expect to enjoy.

The impact on Tring

33. The bleak prospects predicted for Tring seem to me to be based on one or two dubious assumptions and the occasional misconception. Key differences between the parties involve estimates of turnover at Budgens, its vulnerability to competition with Tesco, the vulnerability of the other town centre shops and the effects of potential 'spin-off' trade from the proposed store¹.

34. The turnover estimates (and thus the expenditure) at all the main stores and centres are partly derived from the household survey. As such they depend upon identified flows of shoppers, predictions of per capita expenditure and assumptions about spending from outside the survey area. Of course, the resulting matrix may not accurately reproduce what actually happens. It is, after all, subject to sampling errors and the validity of the initial assumptions. Nevertheless, it forms the basic and most explicit tool in assessing impact². And, in that role it serves to provide a degree of coherence and consistency to the analysis. Both are undermined, in my view, by picking and choosing particular bits of the matrix for subsequent use in a different methodology³.

35. It seems to me that that is a fundamental flaw in the approach used by the Council's consultant. In adopting almost all the estimates of turnover and expenditure at the main stores and centres derived from the matrix of expenditure flows, the initial assumptions are adopted too⁴. Choosing to employ different figures, based on different assumptions, in relation to the turnover at Budgens and the small town centre shops in Tring is thus logically inconsistent with the tacit acceptance of all the other estimates⁵. Of course, it would be legitimate to use figures known to be more accurate or to test the sensitivity of the results by altering initial assumptions. But neither path

¹ Some of these are set out in document 20.

² The main results are set out in document 16.12; sampling errors can be derived from cd10.2; the initial results are set out in cd10.3 and differ from those in document 16.12.

³ See the 'notes and methodology' set out in document 18A.

⁴ Document 20 and the notes in document 18A.

⁵ These are the two main disagreements likely to directly affect judgments about the impact on Tring.

is systematically explored. The turnover assumed for the town centre shops is a figure that is commonly used, but only as a working hypothesis. Its use here amounts to rejecting the results of the household survey in relation to the small shops in Tring, but accepting those results for almost everywhere else, including small shops in other centres¹. That is clearly inconsistent. The turnover at Budgens is derived from 1995/6 figures discounted to 1991; it is above the Company average, though some 15% below the figure derived from the household survey². It need not be wrong. But, instead of exploring the effects of that difference in the coherent context provided by the household survey, it is fed into a different methodology where such differences tend to accumulate into somewhat untestable 'judgements'³.

36. For those reasons I prefer the basic approach adopted by the appellants. In particular, the household survey has the merit of ascertaining the shopping habits of all residents in the catchment area of Tring. Clearly the 'street' survey can provide additional and complementary insights. But it can uncover nothing about those who do not shop in the town. It is clear from the household survey that, even within 0-5 minutes of the town centre, there are zones where a substantial proportion of residents do not often do any food shopping in Tring; most of the potential expenditure on convenience goods is thus made elsewhere⁴. In those circumstances, the 'street' survey can only provide a partial picture of shopping patterns in the catchment area.

37. It follows from the above that I find the appellant's assessment of the impact on both the Tring Budgens and the town centre shops to be the more plausible⁵; neither would be unduly vulnerable to competition from the proposed new store. Indeed, the serious impact derived from the Council's initial assessment is now accepted as wrong⁶. The revised assessment demonstrates that, even after the opening of the proposed Tesco store, Budgens would still achieve a level of turnover very close to the current Company average. I doubt that closure would be likely in those circumstances.

38. But the spectre of closure is still 'trailed'. It is unconvincing because it rests on a muddle. It is argued that Budgens is important for 'main food' shopping and is thus particularly vulnerable to competition from the proposed new Tesco. Yet, it is also asserted that the distinction between types of shopping trip (often 'main food' and 'top-up' shopping) is invalid, so that competition would occur on 'all fronts'⁷. The survey results demonstrate otherwise. It is, for example, immediately obvious that the type and pattern of shopping undertaken at the Tring Budgens is strikingly different from that at the Aylesbury Tesco. At the latter, not only are most baskets bigger (54% being over

¹ The method only explicitly includes the small shops in Tring. Hence, other 'small shops' are either included with the 'large stores' or it is implicitly assumed that any impact will only affect those in Tring, an untenable assumption in my view.

² It is not clear, from the information provided, whether the 'discounting factor' derived from the RPI is weighted to reflect 'food shopping', see the 'notes' in document 18A.

³ The 'street' survey provides only a partial picture of shopping patterns.

⁴ Document 16.12, table 8, indicates that, even from the zone 2, less than 30% of the total convenience expenditure flows to Tring: table 7 shows that only 50% of the zone's 'top-up' expenditure is made within the town.

⁵ Document 20: the impact on 1999 turnovers is given as about 24% for Budgens and about 7% for the 'small shops'.

⁶ Trade diversions of 32% and 45% from Budgens and the 'small shops' respectively, estimated in document 18A, has been reduced to 25% and 35% in document 18B.

⁷ A directly contrary view was expressed by the Council's consultant at a previous inquiry, see document 19. Note that the 'street' and 'household' surveys used in Tring approach the distinction differently: the former asks for the shop where most money is spent (which could include frequent trips with small baskets), the latter seeks the shop to which the 'main food shopping trip' is usually made, a different concept.

£50 compared to only 13%) and frequent trips fewer (only 8% of shoppers visit more than twice a week as opposed to 26%), but also there are far more single purpose 'main food' shopping trips (71% compared to only 27%)¹. Those 'single purpose Tesco' trips are exactly the sort likely to transfer to a more convenient facility. In contrast, most 'main food' shoppers at Budgens are also engaged on additional tasks, like working or visiting other shops and town centre services. Their use of the store is thus enmeshed in a complex web of other reasons for being in the town centre. And, some of those reasons are likely to remain even in the face of competition from the proposed new Tesco². Hence, I agree with the appellants that, although the Budgens store is likely to suffer some loss of business, it would almost certainly continue to trade, particularly in its own 'niche' market, and at a reasonable level in relation to the Company average.

39. The alleged vulnerability of the other town centre shops appears to assume that all are dependent on the Budgens store; a decline in the former would thus threaten the latter. The surveys do not demonstrate such dependence. First, although the household survey indicates that almost 45% of those who do their 'main food' shopping at Budgens also visit other shops in the town centre, so few people do any 'main food' shopping in Tring (just 11% according to the 'street' survey) that such a link cannot be of great significance³. In any case, it is impossible to determine how far those visits to town centre shops depend upon 'main food' shopping or vice versa. Second, there is some indication that the bustle of the town and the trade of the small shops are largely unrelated to food shopping. Not only do most people (58%) visit the town centre for other purposes, but also a large proportion (41%) of those visiting the town centre shops are there primarily for other reasons⁴. Third, substantially more customers at the town centre shops do their 'main food' shopping in other centres than Tring⁵. If such shopping is undertaken in the face of strong links with stores elsewhere, it is not unreasonable to expect some of it to survive the opening of the proposed Tesco store. For all those reasons, I believe that trade at the town centre shops would be quite robust and that the appellant's assessment of the relevant impact is likely to be the more realistic.

40. What then of the potential 'spin-off' trade from the proposed store? That is largely ignored by the Council's consultant. The household survey demonstrates that almost everyone (84%) within 0-5 minutes of Tring does their 'main food' shopping elsewhere; and, over 97% of all the expenditure on convenience goods emanating within the 0-15 minutes isochrone takes place outside the town⁶. Some of the 'main food' shopping trips are also associated with visits to other shops. Proportions vary from being very modest (only 3% visit other shops in Ayelsbury on a trip to the out-of-centre Tesco store) to being substantial (some 47% visit both the town centre Waitrose and other shops in Berkhamsted)⁷. But, because so many trips are involved, the possibility of attracting back even the few linked trips at Ayelsbury, for example, could significantly boost the number of

¹ See cd9, table 8, for the size of the shopping basket and table 7 for the frequency of the shopping trip. Both tables are derived from the household survey. The street survey asks shoppers to estimate the proportion of their 'food budget' spent at their 'main shop', the value of which I doubt. 'Linkages' between shopping and other purposes are set out in document 17; those quoted are derived from the household survey.

² Although nearly everyone did some shopping, only 57% of those interviewed gave 'shopping' as the main reason for being in the town centre, cd9 and document 17.

³ Document 17 and cd9, table 10.2: only 47 people were undertaking 'main food' shopping when interviewed in Tring, ie 11% of the 422 doing any shopping there, and only 9% of the whole sample.

⁴ Table 10.2, cd9.

⁵ Table 10.2, cd9 and document 17.

⁶ Document 16.12.

⁷ Document 17.

trips linked with 'main food' shopping in Tring. Of course, it would be wrong to assume a direct dependence. Equally, it would be wrong to ignore the enormous potential for attracting back some 'top-up' shopping on the back of successfully competing with other centres and stores in the 'main food' market.

41. In my view, the extent of the trade leaching away from Tring provides one explanation of why the apparent prosperity of the place may mask an underlying fragility. Given that so much of its potential convenience trade is undertaken elsewhere, it is not surprising that units have sometimes remained empty for long periods and changes have tended to involve the replacement of 'greengrocers' and 'wool shops' with 'double glazing showrooms' and 'hairdressing salons'¹.

42. Could the proposed Tesco store help to redress those trends? There is clear evidence that it could. First, the household survey demonstrates that 'main food' shopping trips can be associated with trips to other shops in the same centre, often for additional food or convenience items and services; on average about 24% of the 'main food' shopping trips are linked in that way². Of course there are wide variations (noted above), but they appear to depend on the type of store and its location. In my view, the proposed Tesco store, although beyond the town centre, would be much more conveniently located in relation to Tring than some of the Company's out-of-centre units elsewhere in the study area. Consequently, even though it would be unreasonable to expect the highest levels of linkage, the store might achieve levels close to the average and thus attract back a significant number of 'linked trips' to Tring. Second, evidence from Baldock shows that a store in a similar location to this proposal can generate a significant proportion of linked trips; 22% of the customers to the Baldock store also visited the shops and services in that small town³.

43. Third, yet more survey evidence indicates that a store in Brackley (located beyond the centre) operates for the benefit (albeit marginal), rather than to the disadvantage, of the small town centre shops. The small food shops appear to have held on to their trade, in spite of the impact on the more central Co-op: the non-food units seem to have benefited from a small increase: the main competition has been with existing supermarkets⁴. It is relevant that those benign effects are associated with attracting expenditure from the catchment area back to Brackley; roughly 64% of that convenience spending was originally undertaken elsewhere, reducing to about 36% after the new Tesco store opened. Brackley is a more isolated market town than Tring. However, as a rough comparison, Tring now loses some 77% of the convenience spending emanating from within 0-5 minutes of the town (though much more within the 0-15 minute isochrone): the proposed store is predicted to reduce the former to about 42%⁵. It is thus likely that the Tring store would have an equally beneficial effect though, in my view, there would be additional potential because there would also be scope to compete beyond that 'narrow catchment' area.

44. Taking all those matters into account, I conclude that the proposed store would not

¹ Documents 16.16, 15.1, 15.G and 15.H; it is also suggested that the rent increases at Dolphin Square are a product of tough negotiation rather than a direct reflection of a buoyant local economy. The view that Tring's trading base is being eroded through competition with other towns is also expressed at cd9, page 22.

² Document 17, table A.

³ Document 17; the survey was undertaken by URPI.

⁴ Documents 16.13; vacancies are given in document 16.14.

⁵ The figures are derived from document 16.12.

unacceptably affect Tring town centre. On the contrary, I consider that the scheme would do much to attract trade back to the town and so enhance the vitality and viability of the place.

The 'sequential test' and the Cattle Market site

45. A 'sequential approach' is intended to guide the selection of sites in Development Plans, where there is a need for new retail development. To support it, both local planning authorities and developers are asked to demonstrate that '...all potential town centre options have been thoroughly assessed before less central sites are considered...'¹.

46. The need for some improvement in the shopping provision offered in Tring is accepted². But that 'need' is not just based on the enormous proportion of convenience spending lost to the town; after all, such an argument might support additional provision in Wendover too. Rather, the 'need' stems from the wide disparity between the actual function performed by Tring and the role envisaged for it in the adopted Local Plan. There, Tring is listed as one of only 3 'town centres' in the identified 'shopping hierarchy': the place is intended to serve its own broad needs for groceries and convenience goods³. It clearly fails. And, in my view, it is the realisation of this failure, albeit propelled by recent applications for foodstores, that now underpins the consultation version of the Tring Shopping and Town Centre Study⁴. Given the identified need for improved shopping, adopting a 'sequential approach' in Tring leads to two main questions. Is there now a reasonable prospect that development of the Cattle Market site could improve shopping provision acceptably? And, have all other options, more central than the appeal site, been explored sufficiently?

47. A scheme to build a foodstore on the Cattle Market site first emerged about 15 months ago; there have been three separate proposals⁵. In those circumstances, the fact that the current project exhibits severe defects is itself indicative of fundamental problems. The plans⁶ show a service yard that would be too small to accommodate large vehicles without the possibility of awkward manoeuvres on Brook Street; a car park that is poorly laid out around tight bends and slopes with spaces nearest to the store entrance terminating in a 'cul-de-sac' without adequate turning facilities; and, pedestrian routes that would necessitate customers having to negotiate quite steep slopes with laden shopping trolleys⁷. It is estimated that overcoming those difficulties would involve different arrangements that could result in some 40 fewer spaces⁸. For those reasons alone, I think that the current scheme would be unacceptable, as illustrated. And, although such problems ought not, in themselves, to be sufficient to rule out the principle of development, the fact that they remain unresolved so long after the genesis of the scheme does not bode well for their eventual solution.

48. In any case, there are fundamental drawbacks to the proposal. As PPG6 points out, small

¹ PPG6.

² Document 22A.

³ cd3, policy 36.

⁴ Document 22A.

⁵ See 'the objections' section.

⁶ See CD17E.

⁷ Mr Plumb's evidence and documents 12, cd13 and cd17.

⁸ Document 12 and Mr Plumb's evidence.

and historic towns often have no suitable site to accommodate large scale development. That advice applies to Tring. Broadly, the main difficulties concern the effect of the scheme on the character and appearance of the Conservation Area, the provision of car parking, the loss of uses which contribute to the vitality and bustle of the town centre and an apparent absence of any emerging agreement between parties with interests in the site.

49. Tring Conservation Area includes the narrow High Street and the small shops astride it. The Cattle Market is just outside the Conservation Area, but it lies beside Brook Street, which is the main approach to the town from the north¹. It would be hard to imagine a more incongruous introduction to the modest domestic scale of the High Street shops than the enormous bulk of the illustrated store building (some 40m wide and almost 65m long) with the bleak prospect of the service yard directly fronting the Brook Street pavement². And, the insertion of a mini-roundabout in the High Street itself would not, in my opinion, accord with the character of the narrow carriageway or foster an appearance similar to that created by the carefully orchestrated traffic calming measures there. On the contrary, I think that the scheme would serve to significantly widen the street and accentuate the interruption of an already fragmented frontage. I consider that neither consequence would preserve or enhance the character or appearance of the Conservation Area.

50. In addition, the central location would require all car-borne customers to traverse the High Street and all service vehicles to negotiate the London Road roundabout and Brook Street. Even on the assumptions used by the consultants for Sainsbury, that would significantly increase the level of traffic on the High Street³. Of course, the Tesco scheme would also add to the traffic there, but the estimated increase on the section between the London Road roundabout and the Old Forge car park would be barely a third of that likely to be associated with the Sainsbury scheme⁴. I consider that such effects would undermine the traffic calming measures intended to make the High Street a more pleasant and safer place in which to be. Again, I doubt that the results would preserve or enhance the character of this small town.

51. The Cattle Market scheme would seriously affect the car parking provision within the town. I saw for myself that all the existing public car parks in Tring are put to good use; surveys confirm that, and in nearly all of them, capacity is exceeded during some part of the day⁵. Nominally, the proposal would provide 282 spaces, sufficient to accommodate the existing capacity of the Old Forge car park (168) and fully meet the relevant car parking standard for 'town centre' foodstores of this size (113 at 1:20m² gross)⁶. But the situation is not that simple. First, the Old Forge car park is used to accommodate the Friday stall market, a significant attraction in Tring. Estimates of just how many spaces are lost to the market vary, but I think that about 90 spaces would be unavailable for parking on market days⁷. Second, survey observations suggest not only that capacity is exceeded

¹ Plan E.

² As shown on CD17E.

³ The appellant's consultant believes that these underestimate traffic generation.

⁴ Documents CD13.G and CD17D, table 7.1; the increases are 7% and over 22% respectively.

⁵ CD17C.

⁶ See 'the objections' section. CD17C indicates that the capacity of the Old Forge car park is 165.

⁷ The lowest estimate is 70 (document 12). But, on the 2 days that I saw it, at least 90 spaces were occupied by 'the market'; the Council's Transportation Unit use the same figure, see document 22A.

on occasions but also that roughly 100 of the available spaces are occupied for longer term parking (over 2 hours)¹. Third, about 40 of the proposed spaces would be lost in providing an acceptable layout; accommodating some of the best trees on the site might reduce that number still further². Fourth, data derived from TRICS suggests that the maximum demand for parking on Fridays at a town centre store of the size proposed would require space for about 138 cars³. Simple arithmetic demonstrates that, on occasions, capacity at the Old Forge car park could well be substantially exceeded⁴.

52. It follows that, whatever function that car park now fulfils would either be met elsewhere or cease, for it is not easy to see how a shortfall could be rectified. Extending the car park on to the open space (to the north) would be very damaging both to the visual approach and setting of the Conservation Area and Parish Church, and to the value of a popular and well used open area. Moreover, such a significant dearth in car parking space would be likely to engender severe competition for the spaces available, encourage parking in unsuitable locations (like nearby residential streets) and result in additional journeys as drivers search for places where they might leave their vehicles. Of course, some management strategy might also be devised. But the removal of the long term car parking from the Old Forge car park⁵ could disadvantage existing businesses or visitors to the town who come for other things than just shopping; the surveys show that the latter form a significant proportion of those visiting Tring⁶. Certainly, there is no obvious spare capacity at the existing car parks⁷. In my view, a dearth of car parking would reduce the attractiveness of the place.

53. Of course, one solution to such parking problems would be to curtail or re-site the stall market. But it seems to me that the market contributes greatly to the character and bustle of Tring; it confirms the role of the place as a small market town. And the surveys confirm that it is a significant attraction in its own right with some 43% of all interviewees visiting it and many of those (63%) visiting other shops and services too⁸. Removing it from the High Street would significantly reduce activity there: curtailing it in other ways could, all too easily, erode its attractiveness.

54. The proposed store would also displace existing uses from the Cattle Market site. One of those is an auction room recycling household goods and bric-a-brac (once a fortnight) and selling 'fine art' (once a month). Such events add to the variety and vitality of Tring; they attract visitors to the place (about 30% of those surveyed) many of whom also use the town centre shops (roughly 50%)⁹. Re-location need not be impossible. But nothing is yet mooted and it cannot be certain that

¹ CD17C.

² Evidence from Mr Plumb and Mr Stephenson.

³ CD17C, table 7.1; the reference to 203 spaces in the text must be based on the previous proposal, which was larger.

⁴ A 138 spaces required by the store, 100 already used for 'long-term' parking, 90 lost to the market and 40 'lost' in an acceptable re-arrangement of the layout results in a total 'maximum' demand for some 368 spaces; only 282 are shown on the submitted plans.

⁵ Suggested in CD17A.

⁶ CD9.

⁷ CD17C.

⁸ Document 17.

⁹ Document 17 and CD9.

a reasonably central location could be secured. There would thus be a risk that a special attraction associated with this small town would no longer be part of the town centre, should the Brook Street store succeed. (Other uses on the site - like the fire station - do not obviously contribute to the bustle and business of the town centre.)

55. Nor am I convinced that there is now a realistic prospect of meeting the town's need for improved shopping on the Cattle Market site in the near future. The Tring Shopping and Town Centre Study is not a policy document but only the basis for a public consultation exercise¹. All that has been agreed is that consultation should take place and that the results should form the basis of a policy review; the target is that the 'review' should be reported to the relevant committees by March 1997², but the target might not be met and, of course, neither recommendations nor resolutions can be certain. In the interim, the Council explicitly avoid promoting the Cattle Market site. That is not surprising for the Housing Committee oppose the scheme on parking and environmental grounds, as well as a desire to see Forge Cottage retained; and the Works Committee also express reservations³.

56. Nor is there yet any indication as to the steps to be taken to assemble the land at the Cattle Market, an important consideration set out in PPG6. The County Council own the fire station, which could be relocated to a suitable site elsewhere, but negotiations have not progressed⁴. Tring Town Council own the Cattle Market, subject to existing leases (which expire in 2001), but negotiations with any prospective developer have been suspended and it is very fairly acknowledged that Council members are not in agreement as to what should be done⁵. The Borough Council own the Old Forge car park, but there is disagreement between committees on the merits of the Sainsbury scheme⁶. There is no 'development brief', no decision to use compulsory purchase powers (should they prove necessary) and no resolution actually supporting the Cattle Market option.

57. For all those reasons, I consider that considerable doubt must remain as to whether the Cattle Market site would actually emerge as a realistic alternative location for a large new foodstore. Even if it did, I consider that a scheme developed along the lines of the current proposal would unacceptably damage the town centre.

58. Have all other options, more central than the appeal site, been explored sufficiently? The Tring Shopping and Town Centre Study puts forward only 2 alternatives to the appeal scheme; the choice involves either the erection of a new foodstore on the Cattle Market, or the refurbishment and possible extension of Dolphin Square. Complete redevelopment of Dolphin Square seems to have been ruled out as unattractive, due to both difficulty and cost⁷. The appellants raise the possibility of development on 3 other sites beyond the town centre but generally closer to it than the appeal

¹ Document 22A.

² Document 22C.

³ Documents 22A and 22C.

⁴ Document 22A.

⁵ Documents 5 (Tim Asaden's evidence) and 22A and cd17.F

⁶ Documents 22A and 22C.

⁷ Document 22A.

site¹. All have severe disadvantages in terms of amenity, traffic and environmental impact. The Council do not dispute that assessment. One other possibility that emerged at the Inquiry involved erecting a smaller store (of roughly 1000m²) on the Cattle Market site.

59. The refurbishment and possible extension of Dolphin Square seems to me to be damned by the Council's own consultant. He points out that the nature of the site would preclude an extension on a scale to meet modern requirements either in terms of floorspace or car parking. And, of course, Budgens would not have the brand image to compete with Sainsbury, Tesco or Waitrose operating in nearby towns². If that is right, then such a strategy would not effect much improvement to shopping provision in Tring. For similar reasons, I think that the erection of a smaller store on the Cattle Market would also be unsuccessful. The floorspace would be insufficient to provide customers with the range and choice of goods likely to compete with larger stores elsewhere. And, the companies who generally operate from this size of store do not have the pulling power required. It seems to me, therefore, that neither of these options would enable Tring to serve its own broad needs for groceries and convenience goods, as intended by the Local Plan³.

60. No other alternative is mooted. Consequently, I consider that the conceivable options have been assessed with sufficient thoroughness. Although no-one appeared at the Inquiry to extol the merits of the Cattle Market scheme, that is a matter for those pursuing the proposal; subsequent correspondence does not answer the detailed criticisms actually submitted⁴.

61. Taking all those matters into account, I conclude that the proposal properly encompasses the 'sequential approach' to site selection, as advocated by PPG6. The process demonstrates that there would be severe drawbacks to accommodating a 'large' foodstore in Tring town centre, that smaller scale development would be unlikely to achieve aims identified in the adopted Local Plan, and that there would be no obviously more suitable and more central site.

The need to retain 'employment' sites

62. I am not convinced either that the cost of refurbishment or that the 'over-supply' of land would prevent the appeal site from being used for employment purposes⁵. Indeed, I find the evidence presented by the Council's consultant to be the more compelling, as it is derived from knowledge of the local market and a wealth of local detail⁶. Consequently, I accept that the site could appeal to some firms, particularly those requiring small units at the lower end of the market, and that such enterprises could support refurbishment of the appeal buildings. Hence, the issue becomes one of balancing the need to retain the site for employment purposes against the need to use it for retail development.

63. Although PPG6 clearly advises that retail schemes should not normally be allowed on sites

¹ Document 16.17.

² See appendices in document 22A.

³ CD3.

⁴ Document 25.

⁵ Document 14.

⁶ Document 15.

designated for other uses, that advice is predicated on the assumption that the Development Plan makes provision for different types of retail development. That does not apply here. The Plan does not identify a suitable site to accommodate a large foodstore that would allow Tring to play its proper role as an identified 'town centre'. Of course, the appeal site is identified as one of five General Employment Areas, but the latest suggestions point to the potential for releasing some of them for other uses; and, it is accepted that some older industrial areas (including those in Tring) might be considered for new housing¹. In those circumstances, the justification for retaining the appeal site in preference to other GEAs in Tring must rest upon its particular qualities (its relatively good location and the range of existing buildings) and the possibility that it might provide a suitable place to accommodate enterprises displaced from the redevelopment of a more central GEA.

64. There is no dispute that the appeal site is well located to accommodate 'employment' uses. However, the Council's consultant argues that its value is largely due to the fact that buildings on it could serve the same market as the other long established GEAs in the town². Moreover, there is not yet any indication that one of the Tring GEAs would be redeveloped; nor over what time-scale such operations might occur or how they might be implemented. The need to retain the appeal site for 'employment' purposes can thus be expressed only in fairly general terms; it would be a good place to accommodate certain types of small business enterprise.

65. In contrast, the need to accommodate the appeal scheme is compelling. No site for a large foodstore is identified in Tring. Yet, after properly applying the 'sequential approach', the appeal site is demonstrated to be the only site, reasonably related to the town, that is capable of accommodating a foodstore of sufficient size to compete with those nearby. In that sense the retail use of the site could be essential to enable Tring to fulfil the role identified for it in the Local Plan as a 'town centre'.

66. Hence, I conclude that, on balance, the need to use the site for retail development outweighs the need to retain it for 'employment' purposes.

The approach to Tring

67. I accept that the appeal site lies in a sensitive, semi-rural location - especially when seen with the fields and farmland at Dunsley Farm - on an approach to the town that skirts the Chilterns AONB, Registered Parkland and the Green Belt³. Of course, a new store here would alter the character of the roadside scene. The building, the car park, the illumination, the serried ranks of parked cars, the bustle of shoppers, and the likely plethora of signs and logos would all contribute to a different 'introduction to the town' and the new roundabout, lights and signs would accentuate that effect⁴. But the proposal would substantially reduce the buildings on the site⁵ and soften the impact on the attractive surroundings by an extensive and, in my view, well thought out landscaping

¹ Document 23.21.

² Document 15.1.

³ Document 24.2, Photos 1 and cd3.

⁴ CDs.

⁵ Compare plans A2 and A3, also B3.

scheme¹: the roadside scene would be enhanced by continuing the length of carriageway beside the 3m wall and grass verge²; and, the new roundabout would not only accommodate the additional vehicles safely, it would also help to 'calm' traffic approaching the town centre³.

68. In contrast, an industrial use of the site would have drawbacks. The Council are actually advocating a fairly modest refurbishment of the existing buildings and their use as workshops or for small businesses⁴. Such a use would, in itself, limit the scope for much environmental improvement here. First, far more of the site would actually be covered with buildings, so restricting the scope for landscaping. Second, given the previous planning permission, it would be difficult to prevent additional workshops from being built even closer to Tring Park and the Green Belt, so bringing their intrusive impact closer to that attractive countryside⁵. Third, most of the existing buildings on the site are far from beautiful. Only the Bothy is worth retaining, but it is beset about by the utilitarian and the banal, and together with the adjacent box-like structure, interrupts the roadside foliage with gables and walls rising directly from the back of the narrow pavement⁶. Fourth, a 'modest refurbishment' is just that; it would be wrong to expect a transformation of the site, in spite of the caveat included in the Local Plan⁷. The incongruous collection of buildings would remain but their impact would be accentuated by the flotsam and jetsam often associated with small enterprises; the activity, the plethora of signs to the different units, the parked cars and assorted bits of bric-a-brac.

69. Of course, industry and business could also engender activity and traffic here. A business use could generate almost 70% of the traffic likely to visit the proposed store during peak hours⁸; the difference would be that both morning and evening peaks would coincide with the existing 'rush hour'. And, although the Local Plan indicates that the frontage and access point should be retained⁹, I do not believe that it would be safe to do so without some significant alteration. Currently, the site entrance emerges close to a bend in London Road between roadside walls and buildings; visibility is wholly inadequate and vehicles turning right into the site would interrupt the free flow of traffic on the main road¹⁰. At the very least it would be necessary to widen the entrance; and, I think that a right turn lane would be highly desirable. As a consequence the buildings and uses on the site would be more apparent from the roadside and more intrusive on the approach to Tring. Retention of the existing buildings, which are beside the pavement, would limit the scope for providing a right turn lane. If works had to be confined to the carriageway then the pavement and verges would be narrowed. In my view that would appear unsightly and remain hazardous.

¹ See plan B1.

² Shown best on plan B1.

³ Document 12.

⁴ Document 15.1.

⁵ Document 23.4.

⁶ Documents 15.C and 24.2.

⁷ The Local Plan indicates that new development should respect the sensitive relationship to the trees, Green Belt and the AONB. However, it is the special 'Tring' market for small workshops that is used to justify retention of the site for employment purposes.

⁸ Document 12.

⁹ CD3.

¹⁰ Documents 12 and CD13.

70. In those circumstances, I conclude that neither the activity and traffic movements, nor the highway works associated with the appeal scheme, would spoil the rural character of this approach to Tring in comparison with the likely effects of retaining the appeal site for 'employment' purposes.

Residential amenities

71. It is understandable that nearby residents should worry that the project might impair their peace, privacy and prospect, especially when their secluded back gardens are relatively modest¹. However, the existing workshops and warehouse stand close to those garden boundaries and the appeal site is designated as a GEA in the Local Plan. The proposed store would stand slightly further away behind a substantial 2.5m screen wall; it would be only marginally larger than the existing buildings and its impact would be ameliorated by extensive landscaping². The screen wall would be a significantly more robust structure than currently exists on the boundary and I see no obvious need to increase its height. Nevertheless, I consider that aspects of the scheme would unnecessarily impair residential amenities; in my view, such defects could be overcome by minor changes to the proposal.

72. First, I agree with Mr and Mrs Keating that the slightly higher roof line of the proposed store would obscure a small but significant proportion of the sky from the rear windows of their home (especially those at the kitchen)³. The solid element of the building would be noticeable through the intervening vegetation and the blank façade would be rendered all the bleaker because it would obscure a large portion of the sky that remains easily visible; in addition, the proposed store would extend across what is now a small 'lean-to' element of the existing building, so increasing the impact of the proposal there. However, the roof line proposed would be created by a false 'parapet'. Subject to providing sufficient screening for ventilation and other 'roof-top' equipment, it ought to be easy to reduce the effective sky line of the building so that it would not significantly exceed that of the existing structure⁴.

73. Second, the illustrative plans show that the ancient brick wall which forms the south western boundary of 'Beechwood' would be demolished on the appeal site⁵. Its removal, and the removal of some dense vegetation nearby, would open up that back garden and the bedroom windows to the casual gaze of shoppers in the adjacent car park. Clearly, privacy could be preserved by retaining that wall and, as the illustrative plans show a wedge of landscaping there, it should be relatively easy to incorporate its alignment within that intended landscape screen. It would also be desirable to ensure that the best trees in the vicinity of the wall were also retained: a slight re-arrangement of the parking spaces should suffice.

74. I am not convinced, however, that the activity and bustle likely to emanate from the proposed store or the noise of cars manoeuvring into parking places, would intrude into the peace and quiet that might reasonably be expected by adjacent residents. Any noise from plant and machinery could

¹ Document 3-5 include such concerns: cds provides a careful summary.

² Plans B1-3.

³ Document 5: representations are also listed in document 3.

⁴ See plan B2.

⁵ Plans A3 and B1.

be ameliorated by appropriate insulation. Other noise sources would largely be shielded by the bulk of the store building itself as well as by the intended boundary, and retained garden, walls. The service yard would be some distance away and screened by intervening structures: the nearest parking spaces would almost certainly be the least used¹. In those circumstances, I doubt that noise from the site would be intrusive. In any case, there is no evidence that it would noticeably exceed the background level, now largely caused by traffic on London Road². And, of course, a business use of the site would also generate some noise.

75. I conclude that the proposal would not impair the peace, privacy or prospect that local residents might reasonably expect to enjoy, provided suitable measures, indicated above, were to be implemented.

OTHER MATTERS

76. I have considered all the other matters raised. I appreciate that some local people are concerned about the amount of traffic likely to be generated by the store and its effects on the road safety and congestion experienced both in the High Street and on London Road³. However, I consider that the highway works proposed would adequately accommodate that traffic and help to improve highway safety. In particular, the mini-roundabout on London Road should effectively reduce the speed of the traffic negotiating the bend on the approach to Tring, and that would make it slightly easier for vehicles to negotiate an exit or entrance to Dunsley Place. In addition, the contribution to traffic calming measures in Brook Street should complement the effects of such works in the High Street⁴.

77. And there would be other advantages. In attracting large numbers of shoppers back to Tring the proposal would foster a reduction in car journeys⁵. Yet at the same time it would allow both service vehicles and some car-borne customers to make use of the by-pass, so avoiding unnecessary traffic through the historic High Street. The scheme provides for access by public transport and it is clear that operators are aware of the opportunities offered; there is no reason why the store might not be well served by public transport⁶. And, although it may not be within very easy walking distance of the High Street, there is evidence that it would not be so distant as to be beyond the capability of many people to reach it on foot⁷.

¹ Those immediately to the west of the store.

² Document 10.

³ Document 3-5 and cd8.

⁴ Document 7.

⁵ A calculation of distance savings is offered at document 12.C.

⁶ Documents 12.D and 12.II.

⁷ Document 16.20.

OVERALL CONCLUSION

78. I find nothing else sufficiently important to alter my conclusions. Overall, I consider that the proposed store would not unacceptably affect Tring town centre but help to attract trade back to the town and so enhance its vitality and viability in accordance with aims identified in the adopted Local Plan: I think that the scheme would properly encompass the 'sequential approach' to site selection and that, as intimated by PPG6, there would be severe drawbacks in accommodating a 'large' foodstore in a small and historic place like Tring: and, partly for those reasons, I believe that the balance of need favours the use of this site for retail development rather than for 'employment' purposes. In addition, I consider that the proposal would not spoil the rural character of this approach to Tring, nor need it impair the peace, privacy or prospect enjoyed by local residents, provided suitable measures were to be implemented.

CONDITIONS

79. I shall, therefore, allow this appeal subject to conditions. A list of suggested conditions is at document 8, supported by the Agreements and Undertakings set out in document 7. Most of the suggestions are agreed, subject to minor amendments, and most underpin the assumptions on which my conclusions are based. (I am sure that any difficulty relating to the collection of metal cans can be overcome.) I need only add that, although there is no evidence that the service yard would generate enough noise to warrant its complete enclosure, I consider that ambient noise levels are likely to be low in a semi-rural area during the early morning, late evening and on Sundays¹. Consequently, I think that the restrictions on deliveries suggested by the local planning authority would be warranted unless it can be demonstrated that deliveries outside those times would be unlikely to disturb nearby residents; the conditions imposed are intended to allow for that limited flexibility.

80. However, I see no need to insist precisely on how net and gross floorspace should be partitioned, nor on what items should be sold, nor on which activities should be undertaken. The use of floorspace seems to me to be largely an operational matter best left to Tesco; there is no evidence that the 'partition' could be manipulated to such an extent as to undermine the assumptions on which my conclusions are based. Similarly, I think that sufficient control over the goods sold is provided in the description of the development as a 'supermarket'; the term is defined in PPG6 as a store 'selling mainly food, with a trading floorspace less than 2500m²'. And, although I realise that a pharmacy, post office and cash-point exist within the town, the evidence does not demonstrate either that those facilities would close or that the town would suffer, should similar outlets be licensed or permitted at the store.

THE DECISION

81. For the above reasons and in exercise of the powers transferred to me, I hereby allow this appeal and grant outline planning permission to demolish existing buildings and to erect a supermarket (Class A1), with associated car parking and revised access arrangements, on the site previously occupied by Cox Thermoforming Limited, London Road, Tring, Hertfordshire, in

¹ Document 10 does not appear to include readings during the late evening and early morning.

accordance with the terms of the application (No.4/0838/95) dated 26 June 1995 and the plans submitted therewith, subject to the following conditions:

- ✓ 1. a. approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the 'reserved matters') shall be obtained from the local planning authority;
b. application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this letter;
2. the development hereby permitted shall be begun either before the expiration of 5 years from the date of this letter, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later;
- ✓ 3. the store, hereby permitted, shall have a gross floorspace of no more than 2500m²;
4. details submitted in accordance with condition 1 shall be based on the layout illustrated in plan A3 (drg no.1881\ARCH 1000\G revised on 10.09.1996) and plan B1 (the landscape masterplan; drg no.1170/01/C revised September 1996) and shall include, subject to the agreement of the local planning authority:
 - ✓ i. a scheme to retain (or, if necessary, rebuild) a section of the garden wall projecting from the south west boundary of 'Beechwood' and continuing beside the south west face of the existing buildings (as shown on plan A2), the length and height of the section shall be agreed and the scheme shall incorporate appropriate modifications to the intended landscaping;
 - ✓ ii. the provision for, and the treatment of, a pedestrian entrance to the store across the area currently identified for staff parking, and the consequent re-arrangement of that parking area;
 - ✓ iii. the provision of a bus stop and pick up point within the site;
 - ✓ iv. the provision of facilities for the recycling of waste (including paper, glass and metal cans);
 - ✓ v. the position, design and materials to be used for the boundary walls (shown on plan A3) and the details associated with any other type of boundary treatment;
 - ✓ SOP
APP (vi. samples of the materials to be used for the external surfaces of the building and boundary walls;)
 - ✓ SOP APP (vii. a scheme for external lighting on the site showing the position and type of lighting units to be used and appropriate shielding of the light emitted;)
 - ✓ viii. revisions to the northern elevation of the building to reduce its effective sky-line to the sky-line of the existing building, when viewed from the rear windows of Beechwood and the adjacent houses;

✓ ix. the position, design and materials to be used for the walls and gates of the service yard (shown on plan A3);

5. trading shall not commence until the details submitted in accordance with condition 1 (and consequently condition 3) have been approved by the local planning authority and the development, hereby permitted, has been carried out in accordance with those approved details;

✓ 6. no development shall take place until there has been submitted to, and approved by, the local planning authority a scheme showing full details of both hard and soft landscaping works; those details shall include the means of enclosure, hard surfacing materials and changes in ground level;

7. all the works indicated in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees, hedges or plants which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season by the developers, or their successors in title, with others of a similar size and species, unless the local planning authority give consent to any variation; for the purposes of this condition, a planting season commences on 1 October and ends on 31 March the following year;

✓ 8. before development commences, a soil survey of the site shall be undertaken at such points and to such depths as may be stipulated by the local planning authority, who shall also be provided with the results. A scheme for decontamination of the site shall be submitted to, and approved by, the local planning authority, and the approved scheme shall be fully implemented before the development permitted is brought into use;

✓ 9. unless the local planning authority consent to any variation, development shall not begin until drainage works have been carried out in accordance with a scheme to be submitted to, and approved by, the local planning authority; that scheme shall make provision for the means to dispose of foul and surface water from the site, the interception of surface water contaminated by petrol, oil, chemicals or other pollutants and means to prevent contaminated surface water discharging into the natural drainage system;

✓ 10. before development commences, a scheme for the laying out and surface treatment of the parking areas, service yard and recycling facilities shall be submitted to and approved in writing by the local planning authority; the areas shall be surfaced as approved before trading commences and the parking areas shall be kept available for car parking thereafter unless the local planning authority give permission for any variation;

✓ 11. trading shall not commence until a scheme to implement the access arrangements and highway works on London Road and at the High Street/Brook Street/London Road roundabout, which shall include construction details and the works shown on plan A3 (drg no.1881\ARCH\1000\G) and in documents 7B and 12 (drg nos.B/93124/8B and B/93124/7), has been submitted to and approved by the local planning authority, and those approved works have been completed, unless the local planning authority consent to any variation;

12. all existing buildings on the site shall be demolished and the materials removed before trading commences;

13. there shall be no storage of goods, containers, waste or rubbish otherwise than in an enclosed building or properly constructed storage compound. Any compactor unit on the site shall be enclosed within a permanent walled and roofed structure. No trolleys shall be stored otherwise than in the building, under the canopy of an approved building or within designated storage areas;

sep
app

14. before trading commences, a scheme to protect the residential properties to the north of the site from the noise emitted by refrigeration, air-conditioning and other plant installed at the permitted store shall be submitted to, and approved by, the local planning authority, and the approved measures shall be implemented, unless the local planning authority consent to any variation;

15. there shall be no goods delivered to the permitted store outside the hours of 7.30-22.00hrs on Mondays to Saturdays and 9.00-16.00hrs on Sundays, unless the local planning authority consent to any variation;

16. construction work on the development, hereby permitted, shall be undertaken only between 7.30-18.30hrs on Mondays to Saturdays and not at all on Sundays and Bank Holidays, unless the local planning authority consent to any variation;

sep
app

17. facilities to wash the wheels of all vehicles leaving the site during the construction period shall be provided on the site, in accordance with a scheme to be submitted to and approved by the local planning authority.

82. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused, or granted conditionally, or if the authority fail to give notice of their decision within the prescribed period.

83. The developer's attention is drawn to the enclosed note relating to the requirements of the Buildings (Disabled People) Regulations 1987.

84. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully



D R Cullingford BA MPhil MRTPI
Inspector

APPEARANCES

FOR THE APPELLANTS

Patrick Clarkson QC

He called:

John Gildersleeve

Stephen Arnold MA MA MRTPI ARICS

Jeffrey Stevenson MA MPhil
DipEconDev
MRTPI ARICS
MIEnvSc MIPRE
MBIM MInstPet

Brian R H Plumb BSc CEng MICE
MIHT

John Stephenson FRICS FISVA
ACI Arb

instructed by
Wesley Fongenie of Berwin Leighton,
Solicitors, Adelaide House, London Bridge,
London, EC4y 9HA

Director, Tesco Stores Plc, Tesco House,
Delamare Road, Cheshunt, Hertfordshire,
EN8 9SL

Partner, Development Planning Partnership,
21 The Crescent, Bedford, MK40 2RT

Partner, Epcad Consultants, Woolstone
Centre, 6 Mill Lane, Woolstone, Milton
Keynes, MK15 0AJ

Associate, Boreham Consulting Engineers, 1
Argent Court, Southfields Business Park,
Sylvan Way, Basildon, Essex, SS15 6TH

Director, Grant and Partners, 21 Hanover
Street, London, W1R 8EE

FOR THE LOCAL PLANNING AUTHORITY

Richard Humphreys of Counsel

He called:

Nigel K Robinson BSc FRICS ACI Arb

Mervyn McFarland BSc MRTPI

Paul M S Sherman MA

instructed by
Noele Pope Solicitor, Director of Law and
Administration, Dacorum Borough Council

Principal, Pendley Commercial, Chartered
Surveyors, Church Yard, Tring,
Hertfordshire, HP23 5AE

Senior Planning Officer, Dacorum Borough
Council

Principal, Paul Sherman Associates, Retail
and Property Research, The Old Stores,
Shop Street, Worlingworth, Woodbridge,
Suffolk, IP13 7HX

INTERESTED PERSONS - *SUPPORTING*
THE SCHEME

Alistair L Anderson

9 Chiltern Way, Tring, Hertfordshire, HP23
5JX

*Publisher of the pamphlet, Tring
Development Nos. 1-10*

Carol Anderson

Representing Tring Women for the Millennium

9 Chiltern Way, Tring, Hertfordshire, HP23
5JX

Cllr Richard Jameson
Tring East Ward

11 Malting Lane, Aldbury, Tring,
Hertfordshire, HP23 5RH

Maggie Tigg

4 Plaiters Close, Tring, Hertfordshire, HP23
5TA

Mr L A Plato

15 Mill View Road, Tring, Hertfordshire,
HP23

INTERESTED PERSONS - *OPPOSING*
THE SCHEME

Robert F and Ann Keating

Beechwood, London Road, Tring,
Hertfordshire, HP23 6HA

David Metcalf

14 Grange Road, Tring, Hertfordshire,
HP23 5JP

*Owner, F W Metcalf & Sons, (Ironmongery)
51-52 High Street, Tring*

Mr Wareham

7 Harcourt Road, Tring, Hertfordshire,
HP23

Trevor Marwood MBE MA CEng FICE

East Lodge, Park Road, Tring,
Hertfordshire, HP23 6BU
*Member of Hertfordshire Conservation
Society - a local branch of CPRE*

Joyce V Martin

11 Dunsley Place, London Road, Tring,
Hertfordshire, HP23 6JL

Cllr Tim Amsden
Representing Tring Town Council

c/o Mrs S Johnson BA, Clerk of the Tring
Town Council, Council Chambers, The
Market House, 61 High Street, Tring,
Hertfordshire, HP23 4AB

John Briggs

Resident of Pitstone Village

Shirley Falconer

17 Dunsley Place, London Road, Tring,
Hertfordshire, HP23 6JL

Peter Coneron
*Representing Tring and District Traders' Action
Group*

c/o The Country Cupboard, Chesham Road,
Wigginton, Tring, Hertfordshire, HP23 6EH

DOCUMENTS

- Document 1 - Lists of persons present at the inquiry
- Document 2 - Letter of Notification and circulation list
- Document 3 -
A. Index of representations received before
the inquiry (1-104)
B. Written representations 1-68
C. Written representations 68-104 on file
- Document 4 - Written submissions received after the inquiry under cover of letter
dated 1 October 1996
- Document 5 - Some of the submissions made at the Inquiry by local people; Alistair
Anderson, Carol Anderson, David Metcalf, Trevor Marwood and Tim
Amsden
- Document 6 - Correspondence relating to, and drafts of, Unilateral Undertaking and
Deed of Agreement
- Document 7 -
A. Unilateral Undertaking - contribution to traffic calming, 14
November 1996
B. Deed of Agreement - highway works, 14 November 1996
- Document 8 - Suggested conditions
- Document 9 - Correspondence between the Council and the appellants
- Document 10 - Noise survey
- Document 11 - Some agreed walking distances
- Document 12 - Proof of evidence and documents submitted by Brian Plumb:
A. Improvements to High St/Brook St/London Rd
junction
B. Correspondence
C. Reduction in trip length
D. Letter from Passenger Transport Unit and
'A-B Team Bus & Coach'
E. Alternative sites
I. Catchment area

II. Bus routes

Document 13 -

Safety Audit: right turn access to appeal site

Document 14 -

Proof of evidence and documents submitted by John Stephenson:

1. Brochures
2. Site layout
3. Condition of appeal buildings
4. Development appraisal
5. Take-up rates and commercial sites/premises available
6. Lists of commercial sites and premises
7. Revised development appraisal
8. Documents relating to employment land at Pitstone Cement Works
9. Attempts to agree summary schedules

Document 15 -

Documents submitted with Nigel Robinson's proof of evidence:

1. Proof of evidence
 - A. Commercial sites and premises in Tring
 - B. Units available by size
 - C. Units on the appeal site with photographs
 - D. Enquiries for industrial units (including for 1996)
 - E. Enquiries for offices
 - F. Employment by type of use
 - G. Enquiries for shops
 - H. Details on rents
 - I. Correspondence
 - J. Rough guide to property prices in Tring
 - K. Planning permission, Berkhamsted Hill

Document 16 -

Documents submitted with Stephen Arnold's proof of evidence:

1. Letter submitted with applications
2. Decision Notice (7 March 1996)
3. Planning history
4. National policies
5. Response to Structure Plan Review by Dacorum Borough Council; March 1996
6. Appeal decision; Stroud, December 1994
7. Household Shopping Survey, Tring; household postal questionnaire, summer 1995
8. Comparison of survey results; Tring (summer 1995) and Berkhamsted (spring 1993) household postal questionnaires

9. Critique of Paul Sherman report (at CD9)
10. Survey of Shoppers in Tring Town Centre; street interviews, November 1995 - summary of main results
11. Draft Tring Shopping and Town Centre Study; Consultation Report
12. Shopping expenditure and impact tables, including complete sequence
13. Shopping Diary Research - The effect of a Tesco Store on Grocery Shopping in Brackley - Tesco Stores Ltd, 1996
14. Shop vacancies in Brackley town centre; 1994 - 1996
15. Press cutting
16. Assessment of Tring town centre vitality and viability
17. Sequential assessment
18. Green Belt boundary in Tring; Local Plan Inquiry 1992
19. Unemployment and labour market data
20. Distances walked for main food shopping; from responses to the 'Shopper' survey
21. Appeal decision; Chard, September 1996
22. Household Shopping Survey, Tring; questionnaire and sample size

- Document 17 - Briefing note; linked shopping trips
- Document 18 - Documents submitted with Paul Sherman's proof of evidence:
- A. Impact tables and methodology
 - B. Impact table; addendum
 - C. Some sensitivity tests
- Document 19 - Evidence from the Berkhamsted inquiry on trade draws and the split between 'main food' and 'top up' shopping
- Document 20 - Schedule of agreements and disagreements on retail data and assumptions
- Document 21 - Documents relating to a foodstore in Princes Risborough
- Document 22 -
- A. Tring Shopping and Town Centre Study; Consultation Draft, autumn 1996
 - B. Update statement; revised scheme for Brook St, progress on the Study, consultation plans

C. Committee reports

Document 23 -

Documents submitted with Mervyn McFarland's proof of evidence:

1. Location plan
2. Location of site in relation to town centre and main shopping frontage
3. Permission for 'perspex shaping and fabricating' at the appeal site, 1958
4. Permission to extend factory, 1984
5. Objections lodged by Yule and Catto to Local Plan designation of Green Belt at the appeal site, May 1992
6. Inspector's Report, relating to 23.5 above
7. Green Belt boundary adopted, 1995
8. Interest in site for residential development
9. Highway improvements, Brook St/High St
10. Suggested contribution to traffic calming in Brook St, May 1996
11. Meeting notes, July 1996
12. Appeal decision; Berkhamsted, August 1993 and location maps
13. Proposed store at Brook St, Tring; July 1995
14. Proposed store on the cattle market, Tring; December 1995
15. Appeal decision; Trowbridge, November 1995
16. Land ownership in Tring
17. Dacorum Borough Local Plan, First Review (to 2011), August 1996
18. Dacorum Commercial Property Register
19. General Employment Areas, Tring
20. Appraisals of industrial and commercial floorspace in Tring
21. Structure Plan Review; The Development Strategy and Dwelling Distribution
22. Hertfordshire's Economy; Trends, Issues and Strategies
23. An Industrial Strategy for Hertfordshire
24. Long Term Employment Land Needs; Pidea plc
25. Maps relating to the Chard appeal
26. Definition of Class B1

Document 24 -

Documents submitted with Jeffrey Stevenson's proof of evidence:

1. Report on appeal site, October 1995
2. Photographs
3. Masterplan; 1170/01A
4. Cross sections; 1170/02A

5. Report on the Brook Street site, November 1995
6. Masterplan; 1170/01B
7. Cross sections; 1170/02B
8. AONB boundary
9. Tring Park boundary
10. Dacorum Borough Local Plan; extract from Proposals Map

Document 25 -

Letter from Sainsbury's (dated 17 October 1996) and response from the appellants (dated 22 November 1996)

LIST OF CORE DOCUMENTS

- | | |
|-------------|---|
| <i>CD1</i> | - <i>Hertfordshire County Structure Plan, 1991</i> |
| <i>CD2</i> | - <i>Hertfordshire County Structure Plan Review, 1996</i> |
| <i>CD3</i> | - <i>Dacorum Borough Local Plan, 1995</i> |
| <i>CD4</i> | - <i>Local Plan Inquiry, Inspector's Report, 1993</i> |
| <i>CD5</i> | - <i>Technical Report - Employment</i> |
| <i>CD6</i> | - <i>Update of Technical Reports, 1992 - 1994</i> |
| <i>CD7</i> | - <i>Employment Sites for Development in Dacorum</i> |
| <i>CD8</i> | - <i>Planning Officer's Report</i> |
| <i>CD9</i> | - <i>Summary Report on the appeal proposal; Paul Sherman Associates</i>
<i>Tabulations from 'shopper' survey</i>
<i>Tabulations from 'household' survey</i> |
| <i>CD10</i> | - <i>Preliminary appraisal of appeal proposal; DPP</i>
<i>1. Schedule of retail provision</i>
<i>2. Household survey results</i>
<i>3. Shopping expenditure and impact</i>
<i>4. Appeal decision; Stroud, December 1994</i>
<i>5. Sensitivity analysis</i>
<i>6. Highway assessment of the Carle Market site</i>
<i>7. Employment land</i> |
| <i>CD11</i> | - |
| <i>CD12</i> | - <i>Survey zones and catchment area, DPP1</i> |

- CD13 - *Traffic impact assessment*
- CD14 - *Landscape proposals*
- CD15 - *The Economics of Employment in Grocery Retailing; a report for Tesco Stores by London Economics, 1995 (extract)*
- CD16 - *Results of the Survey of 'Shoppers' (Visitors) to Tring Town Centre*
- CD17 - *Documents relating to the 'Sainsbury' proposal on the Cattle Market site*
 - A. *Retail assessment, John Spain Associates*
 - B. *Letter, September 1996, amending earlier scheme*
 - C. *Transport implications, The Denis Wilson Partnership*
 - D. *Transport implications supplementary report, The Denis Wilson Partnership*
 - E. *Plans; site layout, CHQ.95.2608/14C, July 1996*
 - access arrangements, August 1996*
 - F. *Leases relating to the Cattle Market*

PLANS

- Plan A - *Application plans:*
 - 1. *Site plan*
 - 2. *Topographical site survey; drg no.1881/STRU/2000*
 - 3. *Site layout and access; drg no.1881/ARCH/1000/G*
 - 4. *Landscape masterplan; drg no.1170/01/A*
- Plan B - *Illustrative plans:*
 - 1. *Landscape masterplan; drg no.1170/01/C*
 - 2. *Cross sections; 1170/02A (reduced)*
 - 3. *Footprints of existing buildings and proposed store*
- Plan C - *Original access arrangements; right turn lane*
- Plan D - *Land use plans:*
 - 1. *Tring town centre*
 - 2. *Appeal site*
- Plan E - *Alternative sites, shops and the conservation area*
- Plan F - *Walking distances to Budgens, the town centre and the primary shopping area*

Plan G - Isochrones, household survey areas and 'shopper' survey postal zones

PHOTOGRAPHS

Photo 1 - Additional photographs

WORTHINGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER