

# Memorandum

**To:** Mark Peacock, Planning Officer

**CC:** Sue Tiley, Head of Planning Policy

**From:** Anita Ward, Senior Projects Officer

**Date:** 09/12/2011

**Re:** Planning application S6/2011/1994/MA, Land at Salisbury Square, Old Hatfield.

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1. Planning permission is sought for the redevelopment of Salisbury Square. The application proposes the demolition of the existing shopping parade building (including 7 existing 3bed maisonettes); the construction of a new road and public space as well as the erection of a new building containing 19 flats (4 1bed and 15 2bed) and 4 shops with basements; a decked car park; and the erection of a terrace of 5 3bed townhouses. The proposals follow on from the Old Hatfield Charrette which took place in October 2008. It is understood that the Council is part landowner and so the application will need to be referred to PCC for decision.
2. The site is located within Old Hatfield which is recognised in the District Plan as retaining some aspects of a 'Large Village Centre' but not performing exactly the same function as it also serves the business community as well as local residents. As such Old Hatfield displays a mix of specialist and service uses which are not located in one single frontage but are dispersed within the centre, being based in and around Salisbury Square. Retail development in Old Hatfield is guided by Policy TCR24 which aims to maintain and improve the provision of convenience retail uses. This application would increase the level of retail floorspace on this site from 630m<sup>2</sup> to 1235m<sup>2</sup> and also seeks to extend the retail frontage in the square which meets the aspirations of the policy.
3. The site is not, however, an allocated housing site and so is considered to be a 'windfall site' and Policy H2 applies. This policy provides criteria which can be used to assess the potential and suitability of such sites and the applicant has responded to each of these criteria within their accompanying Planning, Design and Access Statement. Each of the applicant's response statements are considered to be acceptable. It is therefore considered that the proposed mixed use development is acceptable in principle.
4. Policy H7 Affordable Housing requires the provision of affordable housing for sites over 1 ha or for schemes in excess of 24 dwellings. The proposal does not meet either of these criteria and so no affordable housing is sought in this instance. It should be noted that whilst the scheme will result in the loss of two affordable housing units there is no policy provision to require their replacement; furthermore, this scheme will result in a net gain of 18 open market dwellings.

5. Policy H10 Accessible Housing states that in all residential developments of 5 or more dwellings, the Council will seek to secure a proportion of dwellings to be built to Lifetime homes standards. The supporting Planning, Design and Access Statement confirms that the applicant will give consideration to this provision and that the proposed flats will have lift access. The applicant does not state what proportion of the homes will be built to Lifetime homes standards and this information should be provided.
6. Policies GBSP2, D1 and D2 of the District Plan, together with the Supplementary Design Guidance, set out the high quality of design the Council expects in all new developments. The fact that this site falls within a designated Conservation Area means that the scheme should also be assessed with regard to PPS5 (Planning for the Historic Environment). This scheme seeks to regenerate and revitalise Salisbury Square and this is principally to be achieved via the re-introduction of a vehicular route through the square. The rationale is that this will bring much needed activity back into the square and alongside other factors such as a net increase in residential units, retail floorspace and an improved retail layout, the proposed scheme will revitalise this central space in Old Hatfield. Whilst the buildings themselves have been designed to a style and scale that is sympathetic to the character of the area, the success of this scheme will be dependent on the design and quality of the public realm. Given that the site is within a Conservation Area, the drawings submitted for this element of the scheme are very basic and little information is provided on the evolution of the proposals following the outputs of the Charrette. Unfortunately this gives the impression that this key element of the scheme has not been considered fully. The introduction of the vehicular route is accompanied by a one way loop road which will enclose the only large area of public open space to be re-provided within the scheme. This will effectively cut off the accessibility and use of this area unless it is designed in a manner that gives the pedestrian priority over vehicles. There seems to be little thought given as to how this space will function or what its purpose will be? Is it acceptable that the whole space is hard-surfaced? How will the design encourage pedestrians to walk through or visit the area? Will it be the attractive and safe place that was requested by residents during the Charrette? The impact of the loop road could be mitigated through the use of a shared surface; however, such a design approach will have to be undertaken carefully so as to be sympathetic to the character of Old Hatfield where roads are generally defined by kerbstones. A good local example of such an approach and one that may be useful to consider is the public realm renewal at Baldock high street. Finally, following public consultation a café use is proposed with an accompanying outdoor seating area. This area is located between two 3 storey buildings and given the prevailing south-westerly wind this could create a 'wind tunnel' effect thereby reducing the attractiveness of this area for sitting out. No assessment of the microclimate appears to have been undertaken and a more considered approach to tree planting could assist in this regard.
7. The applicant has submitted an energy statement which highlights that the proposed development will be capable of meeting the LPA's requirement that at least 10% of energy demand be met through decentralised and renewable/low carbon energy scheme, through the use of solar thermal collectors, potentially combined with a communal heating system supplied by a ground source heat pump. However, there is no commitment made by the applicant in relation to these measures and this should be secured via a planning condition in accordance with Policy R3 Energy Efficiency.

8. Policy OS3 - Play space and Informal Open Space provision in New Residential Development - requires new residential development of 0.4 ha or more, to make a contribution to the provision of children's play space, either directly on site or by the payment of a commuted sum by the developer to facilitate the provision of a facility elsewhere. Given the nature of the scheme, it is recognised that it is difficult to provide play space directly on site although further consideration to the design of the new square could allow for an opportunity to consider the needs of families and children. It should also be noted that the nearest play area to this site is within walking distance at St. Eltheldreda's Drive and that the development is within easy access to the Hatfield Park Estate.
9. Policy M14 Parking Standards for New Development requires parking provision for new development to be made in accordance with the Council's Car Parking Standards SPG 2004. The site is located in Zone 2, where the adopted car parking standards specify that 25% to 50% of the maximum demand based standard should be provided. Applying the Council's car parking standards, the development generates a requirement for between 60-70 car parking spaces of which 26 spaces should be for residential use. The application proposes 141 car parking spaces, which are to be distributed at surface level and in the proposed two deck car park. The submitted Transport Assessment indicates the following allocation: 26 residential spaces; 21 retail spaces; a re-provision of 13 private spaces and a re-provision 81 general spaces to serve the job centre and the general public. This provision includes 6 disabled parking spaces and is considered to be acceptable. Cycle parking is also proposed in accordance with the adopted standards. It should be noted that in January 2011, the government issued a revised version of PPG 13 Transport, which removed the requirement to set maximum car parking standards for residential development.
10. The site is located within AAS17 and so Policy R29 applies. The application is accompanied by a Heritage Statement which states that an archaeological impact assessment has been undertaken and which advises that overall, most of the site is considered to have low potential for the survival of archaeological remains, although the existing car park may have medium potential. The County Archaeologist should be consulted on this assessment and to advise whether there is a need to impose suitable conditions to ensure that the development is properly managed in relation to archaeological matters and that any remains are properly recorded.
11. Policy IM2 Planning Obligations outlines the Councils approach to securing planning obligations. The applicant has advised that the development appraisal for the scheme shows a negative residual value and as a consequence will not be able to make any financial contributions towards infrastructure requirements. The draft Planning Obligations SPD was published for consultation in September 2010 and provides the most recent guidance on the issue of viability. The guidance advises that where a developer considers that planning obligations impact on the viability of a proposal the onus will be on the developer to demonstrate this through an open book appraisal. Whilst the applicant has submitted an appraisal this indicates that the scheme is not viable due to a funding gap of £1.4m. The County Council have identified that a financial contribution of £18,422 is sought to cover primary education, childcare, youth and library provision. At the time of writing no sustainable transport contribution has yet been identified. The applicant has quoted paragraph B10 of Circular 05/05 which states;

*'In some instances, perhaps arising from different regional or site-specific circumstances, it may not be feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable. In such cases, and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers in its area supported, for example, by local or central taxation. If, for example, a local authority wishes to encourage development, it may wish to provide the necessary infrastructure itself, in order to enable development to be acceptable in planning terms and therefore proceed, thereby contributing to the sustainability of the local area. In such cases, decisions on the level of contributions should be based on negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place.'*

In this instance the scheme has a significant funding shortfall. The addition of £18,422 of planning obligations does not impact on the viability of this development to the degree that development could take place without it and so should continue to be sought. This follows the Councils approach with regard to its own regeneration scheme at Hatfield Town Centre – a scheme that is equally affected by a funding shortfall. In this instance the obligations are continuing to be sought but the triggers for payment are being staggered to reduce their impact on cash flow and it is recommended that a similar approach could be used here. The applicant has also requested that the Council investigate whether S106 and CIL funds are able to contribute to the scheme. This is not feasible due to the restrictions imposed on planning obligations and CIL as a result of the CIL regulations. Furthermore, there is no CIL for this borough as yet and this would be dependent upon a successful examination process.