

Our ref: JA/CN/77526

14 December 2015

**alder
king**

PLANNING
CONSULTANTS

June Pagdin
Senior Planning Officer
Welwyn Hatfield Borough Council
The Campus
Welwyn Garden City
Herts
AL8 6AE

Dear June

**PLANNING APPLICATION PP-04475191 AND 6/2015/1998/LB
COMET HOTEL, ST ALBANS ROAD WEST, HATFIELD, AL10 9RH
RESPONSE TO STATUTORY CONSULTATION**

Further to our telephone conversation, I write to provide a response to the comments received during the statutory consultation at the Comet Hotel, Hatfield, which are addressed under the following topics:

- Need and student provision;
- Heritage and design;
- Highways and parking;
- Other material considerations; and
- Clarifications and inaccuracies.

NEED AND STUDENT PROVISION

Comments querying the need for the student development were provided by Turnberry Planning on behalf of the University of Hertfordshire (12/11/15) and by Hatfield Town Council (12/11/15). We are pleased to provide a response on the key matters raised.

- 1) The principal of off-campus accommodation: Objections to the application were raised on the basis that all student accommodation in Hatfield should be provided on-campus. There are no planning reasons for this to be the case. In June 2015, WHBC confirmed that the principal of off-campus student development on the Comet Hotel was acceptable, recognising the need to “*strike a balance between on-campus and off-campus accommodation*” by providing new purpose built student accommodation on a site with strong sustainability credentials, being brownfield in nature and located adjacent to the University of Hertfordshire. As a result, the principal of development is supported by planning policy at all levels;
- 2) University of Hertfordshire 2020 Estates Vision: The University’s 2020 Estates Vision has been taken into account in the planning application as a material consideration in the determination of the proposals. It is afforded limited weight, however, having not been formally adopted as an SPD. In line with the 2020 Vision, the University plan to provide a total of 4,600 beds which would still provide a residual target market of 6,887 students (assuming full occupancy of campus accommodation). As confirmed by our planning application, this provides ample capacity for the 2020 Vision (4,600 beds) and the development proposal (361 beds) to come forward without any conflict;

/Cont'd...

- 3) Providing housing for identified need: Turnberry Planning, on behalf of the University, objected to the scheme on the basis that the development did not meet an identified student need. As set out above, there is a clear, evidenced, quantitative need for student accommodation in Hatfield of sufficient capacity to support the development. Additionally, there is a wider market trend across the country for high specification student accommodation – of the form proposed at the Comet Hotel. To illustrate the point, Curzon Point (the Authority's only off-campus student accommodation scheme) operates according to this model, is currently at full capacity and operating a waiting list. Providing the proposed 361 rooms of managed student accommodation can only have a positive impact on houses in multiple occupation (HOMs) in the vicinity and free up accommodation for local people. This being the case, the University's objection to the scheme would appear to be on the grounds of competition alone. Competition is not a material planning consideration and the Local Authority should only determine the application on planning grounds alone. This is set against the National Planning Policy Framework (the Framework) which directs Local Authorities to meet the housing needs of their area and to be responsive to market and economic signals in order to promote consumer choice in a sustainable way. Within this context, the planning proposal is clearly supported by planning policy;
- 4) Student welfare and pastoral care: Further objection was lodged by the University on the basis that the scheme provides insufficient facilities for welfare and pastoral care. This is not a reasonable basis for objection as the University have separately confirmed that that Curzon Point, a scheme developed by Fusion Students, is a University accredited landlord which is described by the University as providing luxury accommodation and high level of support and care for students. The Comet Hotel scheme would provide the higher quality and quantity of provision for students, in more accessible location.

HERITAGE AND DESIGN

A statutory consultation response was provided by the Conservation Officer on 13 November 2015 which is considered in this section together with local concerns (two responses dated 30 October and one undated response) raised about the impact of the development on the Grade II Listed Comet Hotel.

Legislation relating to heritage matters and listed building is set out in Sections 16(2) and 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990. Specifically, the sections refer to the requirement for local planning authorities to have "*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". We have satisfied the duty to preserve and enhance the historic environment by appointing a Heritage Consultant and submitting a Statement of Significance in support of the planning application to accord with Paragraph 129 of the Framework. In accordance with this Statement and in the event that a proposal might result in harm, the provisions of the Framework would then be relevant, acknowledging as it does in Paragraphs 131-135 that harm to heritage assets may be proven to be acceptable subject to specific circumstances and justifications. One such instance is where "*less than substantial harm*" to a heritage asset is balanced against the other public benefits of the proposal (Paragraph 134).

In paragraph 17 of the National Planning Practice Guidance (NPPG, Decision-taking), it is made clear that substantial harm is a "*high test*" where "*an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest.*"

/Cont'd...

The Conservation Officer has not been precise in defining the level of harm to the listed building. The levels of harm identified to date relate to the effect of the new build elements on the setting of the listed building. It is our view that the proposals do not have such a serious adverse effect on the 'key element' of the listed building's special architectural or historic interest to constitute substantial harm to the listed building. The key element of the building's interest is its architectural quality and its fabric, which are preserved and, in many instances, enhanced through the development proposals.

The levels of harm are clearly at the level which is "*less than substantial*" and it is therefore relevant to consider the merits of the proposal in delivering heritage benefits and other "*public benefits*" (Framework, 134), which are summarised as follows:

- The cost of redeveloping the Listed Building is currently estimated at £1.5 million, which is a significant investment in the future of the building and in securing its optimal viable use in the longer term, in line with the Framework Paragraph 134. This represents a first estimation of costs, which is made in the absence of an agreed set of materials or approach to the redevelopment through the grant of planning permission and is, as a consequence, expected to exceed this figure in practice;
- The positive planning gain associated with the refurbishment of the building is cross-funded by the establishment of new, high-quality student accommodation. Careful attention has been paid to the scale, massing and design of the student element of the scheme having regard to the setting of the listed building, the purpose of the site as a key gateway site to Hatfield as well as the need to protect the residential amenity of adjoining properties.

The full balancing of the heritage benefits and the other public benefits are tabulated at the end of this letter for clarity.

The Conservation Officer (13 November 2015) made reference to the non-original internal wall and the manner in which it should either be retained or re-provided (with our scheme providing a flexible, reinstated wall). We would be happy to agree to a condition providing for details of these works following the grant of planning permission.

HIGHWAYS AND PARKING

Our client is pleased to note that Hertfordshire County Council and WHBC do not object to the scheme on the grounds of highways and parking. This includes an agreement with the conclusions reached in the TA, in respect of traffic generation, parking and means of controlling any impacts arising having regard to concerns raised by local residents.

Having regard to these concerns and to demonstrate our client's commitment to minimising the impact of our proposals on local highways, our client is pleased to commit to the s106 obligations suggested by the County and District Officers, on the condition that justification is provided for items 6-8 (see below):

- 1) Limiting the occupation of the development to University of Hertfordshire Students;
- 2) Car parking management plan;
- 3) Travel Plan;
- 4) £6,000 towards Travel Plan Monitoring;
- 5) £27,000 towards pedestrian way finding measures;
- 6) £10,000 towards parking surveys prior to commencement of development;

/Cont'd...

- 7) £10,000 towards parking surveys post occupation of the development; and
- 8) £30,000 towards parking restriction measures, should they be required, to address any evidenced impact.

In addition to the following conditions attached to the grant of planning permission, subject to agreement on the timing of cycle parking (see below):

- 1) Car parking details – prior to occupation;
- 2) Cycle parking details – prior to commencement
- 3) Construction Environmental Management – prior to construction;
- 4) Construction Traffic Management – prior to construction;

Our agreement to subject to confirmation of the following matters prior to the determination of the scheme:

- 1) Parking surveys and parking restrictions obligation: Your Parking and Cemetery Officer did not, in their formal response to the statutory response to the consultation, set out how planning obligations 6-8 meet the statutory tests of planning obligations. These tests confirm that planning obligations may only constitute a reason for granting planning permission if they demonstrate that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. As a result, we request that your Parking and Cemetery Officer sets this out clearly in a supplementary response to the statutory consultation upon which our client could confirm final agreement; and
- 2) Cycle parking details condition: It is not necessary or reasonable for this to be approved prior to commencement of the development and our client requests that it is amended to 'prior to occupation' phase of the development.

Finally, we take opportunity to enclose a revised Site Layout Plan (0300-C) which confirms the amount of disabled parking to be provided on site (12 spaces for the hotel and 4 spaces for the student development) and additional cycle stands for staff and hotel visitors (12 spaces via 6 Sheffield hoops). This addresses the comments raised by County Highways.

OTHER MATERIAL CONSIDERATIONS

Our response to other material considerations arising from the period of statutory consultation are set out as follows:

- 1) Ecology: We welcome the confirmation that Hertfordshire Ecology (13 November 2015) has no objection to our client's planning application, subject to the incorporation of mitigation and enhancement techniques (bat and bird boxes and protection of T6). We suggest that these are secured by pre-occupation and pre-commencement conditions respectively;
- 2) Flood risk and drainage: We submitted a revised Flood Risk Assessment on 27 November 2015, which addresses Thames Water's response (03 November 2015) and the Lead Local Flood Authority's Response (LLFA, 04 November 2015). This was written in collaboration with the LLFA and the Environment Agency. As a consequence, we trust that this addresses all matters raised by these parties and welcome any conditions required to make the development acceptable in this respect;
- 3) Environmental Health: The Environmental Health Team in their response dated 12 November 2015 confirmed that they have no objection to our proposals subject to conditions. These conditions are listed as follows:
 - a. Sound insulation – prior to commencement;

/Cont'd...

- b. Noise from plant and equipment – prior to commencement;
- c. Noise from plant – prior to occupation;
- d. Lighting – prior to commencement;
- e. Sound insulation – prior to commencement;
- f. Odour control – prior to commencement; and
- g. Contaminated land – prior to commencement.

Our client has no objection to these conditions, however, with the exception of item g. it is not necessary or reasonable for these conditions to relate to the pre-commencement period of the development. As a consequence, we request that items a. – f. are amended to relate to the relevant part of the development;

- 4) Waste: Our client is also pleased to note that the Minerals and Waste Team (10 November) have no objection to our planning application. We would be happy to accept a condition requiring a Site Waste Management Plan relating to the demolition and construction phases of the development to be attached to the grant of planning permission;
- 5) Refuse: Our client confirms their commitment to adapting our refuse provision and providing s106 planning obligations as required by Carol Simpson (26 October 2015). In line with the calculation provided in this response, site refuse provisions are confirmed as follows: 215 studios x 100 = 21,500l, 73 twodios x 170 = 12,410l. 21,500+12,410 = 33910l. 33,910/1100 = 30.8, giving rise to the requirement for 31 x 1100l paladins required. In accordance with this, we have provided space for 20 bins (16 for the student uses, 14 for the hotel) allowing the two collections to be made on the site as it is presented serviced. This gives rise to contributions of £8,640 (20 bins x £360+VAT), which our client has confirmed their commitment to securing via s106 obligation;
- 6) Green Space: The Case Officer in her email dated 26 October 2015 confirmed that contributions would be required to improve and enhance urban green spaces in Hatfield so that the development accords with Policies IM2, OS3, R13, R14 and R15 of the Welwyn Hatfield District Plan 2005 and the Hatfield Open Space Study and 2011 Green Infrastructure Plan. This is levied at a rate of £61 per person, which provides a total level of planning obligations of £22,021 for the development. Our client is pleased to confirm their acceptance of this figure;
- 7) Utilities: We note that the National Grid provided locations of their apparatus as part of the planning application. We can confirm that the relevant searches have informed our planning application and there will be discussions with the National Grid will inform our detailed design moving forward; and
- 8) Building Regulations: We note that Building Regulations have no objection to our scheme.

INACCURACIES AND CLARIFICATIONS

We seek to make the following clarifications arising from the statutory and local consultee responses:

- Turnberry Planning (24 November 2015) maintain that the planning application relies on data that is inaccurate and out of date. The CBRE data, that formed the basis for the planning application, is based on the latest, publically available information from the Universities and Colleges Admissions Service (UCAS) and Higher Educational Statistics Agency (HESA). Should the University hold more up to date information, which is clearly not publically available, we would be happy to comment on any information as and when they release it;
- Turnberry Planning (24 November 2015) state that the proposed scheme provides cluster flats. Cluster flats are traditionally understood to mean large shared flats (5 bedrooms plus) with communal areas, which provide cheaper accommodation for students. All our apartment provide self-contained apartments without separate communal facilities, the largest of which

/Cont'd...

are two joined studios known as 'twodios'. Turnberry Planning's statement is clearly not correct;

- The Conservation Officer (13 November 2015) stated that the difference between the existing hotel and the proposed hotel extension was 2.4m rather than the 1.9m stated in the planning application. We confirm that our figures are correct, as illustrated by the enclosed, annotated elevation plan. Our figures draw a comparison between the highest point of the hotel extension (87.53) and the highest point of the listed building (85.63), with the difference being 1.9m in height. This is the most consistent comparison, comparing the highest points of the existing building with the highest point of the proposed extension;
- Turnberry Planning (24 November 2015) stated that Fusion Students confirmed at the Development Consultative Forum that they target first year and foreign students. This is not correct. At the DCF, Fusion Students confirmed that they target post graduate and foreign students, although their patrons are not limited to these student groups;

CONCLUSION

The Framework at paragraph 14 requires that development proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless:

“Any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework, take as a whole; or

Specific policies in this Framework indicate that development should be restricted.”

In relation to brownfield land, the Framework at paragraph 111 confirms that:

“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.”

Finally, turning to heritage, the Framework at paragraph 134 states that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of it the proposal, including securing its optimal viable use.”

Within the context of these planning tests and in order for relevant matters to be weighed clearly in the planning balance, this letter concludes with a summary of the 'Heritage benefits' and the 'Other public benefits' associated with the proposal, which have been evidenced by the planning application and summarised in this letter:

Heritage benefits: (benefits to the existing building and/or its setting)

Proposed item	Level of benefit
Removal of existing poor quality hotel extension from rear of existing building	HIGH BENEFICIAL
Removal of lobby extension to reinstate original courtyard and screen wall	HIGH BENEFICIAL
Reinstatement of lantern on listed building	HIGH BENEFICIAL
Repair and reinstatement of previous brickwork alterations/pointing	MODERATE BENEFICIAL
Re-configuration of parking area to increase landscaping	HIGH BENEFICIAL
Formation of outdoor landscaped area to connect hotel to Comet sign	MODERATE BENEFICIAL
Reinstatement of former public bar and lounge bar plan-form	MODERATE BENEFICIAL
Reinstatement of planting in former troughs on building elevations	MODERATE BENEFICIAL
Formation of detached hotel extension, designed to increase the identity of the listed building in its altered townscape	MODERATE BENEFICIAL
Enhancement of the viable use of the listed building and its upper floor	MODERATE BENEFICIAL
Enhancing the setting of the listed building by providing a new high quality buildings with a sensitive pallet of materials to create a silhouette of the building	MODERATE BENEFICIAL

Other public benefits:

Proposed item	Level of benefit
Improvement of a key gateway site to Hatfield	HIGH BENEFICIAL
Securing an appropriate quantum of development to create a viable future for the hotel	HIGH BENEFICIAL
Meeting the need for new purpose-built students accommodation in Hatfield,	HIGH BENEFICIAL
Striking a balance between on-campus and off-campus student accommodation, to provide choice for students and more sustainable development patterns	HIGH BENEFICIAL
Relieving pressures in the private rented market by providing managed student development	HIGH BENEFICIAL
Making effective use of brownfield land	MODERATE BENEFICIAL
Delivering 361 student units / 288 student apartments	MODERATE BENEFICIAL
The site wide landscape strategy seeks to enhance the setting for the Grade II listed hotel and the appearance and perception of the site in general	MODERATE BENEFICIAL
Having regard to residential amenity by creating an inward facing development with a clear degree of separation from neighboring uses (26m) as well as oblique non-opening windows along residential boundaries	MODERATE BENEFICIAL
Promoting sustainable transport options, underpinned by s106 and conditions to manage any potential transport impacts	MODERATE BENEFICIAL
Making renewable and low carbon design integral to the development	MODERATE BENEFICIAL

/Cont'd...

With these in place, it is considered that the heritage benefits and public benefits associated with the proposal outweigh any perceived adverse impacts of the development, and the other planning matters considered as a whole. This being the case, conditional planning permission for the development should be granted.

I trust that this is acceptable. Should you have any queries then please do not hesitate to contact me directly.

Yours sincerely

A handwritten signature in blue ink that reads "Catherine Norris".

CATHERINE NORRIS
Principal Planner

e-mail cnorris@alderking.com
direct dial 0117 317 1000

enc (2) Revised Site Layout Plan (REV)
Proposed Elevational Plan annotated