

**UPDATE ON REDEVELOPMENT OF CHURCHGATE AND ITS SURROUNDING AREA: INFORMATION NOTE**

REPORT OF THE STRATEGIC DIRECTOR OF FINANCE, POLICY AND GOVERNANCE

**1. PURPOSE OF REPORT**

- 1.1 To update Members on the progress regarding the Churchgate redevelopment project.
- 1.2 For the ease of updating Members this Note will be divided into various sub-sections.

**2. UPDATES****2.1 Project Progress**

- 2.1.1 The planned timeframe for the delivery of the Churchgate project is set out in the Development Agreement (DA) and is based on the recovery of the economy. As part of the DA, Simons are required to provide regular updates on the financial viability of their proposals, and will only submit a detailed scheme for planning permission if the planning viability test is met. Simons are presently concentrating their efforts on reviewing options for a proposed scheme for further public consultation and will be presenting their viability appraisal to the Churchgate Project Board following completion of the 1<sup>st</sup> Quarter. The Project Board is due to meet at the end of March.
- 2.1.2 During this period Simons are continuing their commercial negotiations with landowners, prospective retailers and other third parties. Such negotiations together with land assembly costs are important factors in bringing a scheme to viability.
- 2.1.3 The information note to Hitchin Committee in January 2012 set out the purpose of the viability tests and also stated that Simons are required to submit a planning application by the 'first cut off date' as stated in the DA. This date can only be extended by agreement of both parties and would require a decision by Full Council having received a report from the Churchgate Project Board. At this point Simons have not approached the Council to extend the first cut off date and therefore the Council has made no decision in this respect.

## 2.2 Post Office Site and River Hiz Guidelines

- 2.2.1 As updated by officers at the last Town Talk in January, Simons submitted a bid for the Post Office Site which has not been accepted. The Post Office is presently in discussion with a prospective purchaser and it is understood that these discussions are moving forward and that they will work with the Local Planning Authority in preparing a Planning Brief for the site. It is for the Post Office to announce who the prospective purchaser is and not the Council.
- 2.2.2 Since the Hitchin Committee meeting in January the Council has been in receipt of a number of queries regarding the 7m Byelaw mentioned in the River Hiz Development Guidelines and how this may impact on both the Post Office site and the Churchgate development proposals.
- 2.2.3 The Byelaw is for the purposes of preventing flooding or remedying or mitigating any damage caused by flooding in North Hertfordshire and is made by North Hertfordshire District Council under Section 34 of the Land Drainage Act, 1976, sealed in November 1979. The planning guidance that makes reference to the 7 metres in the Byelaw is the River Hiz Development Guidelines SPG which was adopted by the Full Council in March 1995.

The Byelaw at paragraph 9 states:

*"No person without consent of the Council shall erect or construct any building or other permanent structure or plant or tree or shrub in or over the watercourse or on any land lying between the watercourse and a line measured at a distance of seven metres and parallel to the foot of the landward side of the embankment so as to impede the execution of work"*

- 2.2.4 The River Hiz Development Guidelines makes reference to the parts of the river that pass through the town centre, this includes the Churchgate development area and the area adjacent to the Post Office site. The Byelaw will be a consideration by the Council for any development in such proximity to the river. It however does not preclude development per se, merely it seeks to ensure proper consideration is given to flood risk and ensure that proper mitigation measures are in place.
- 2.2.5 In addition to this Byelaw there is other legislation that will need to be taken into consideration in terms of National Planning Guidance and guidance as set out by the Environment Agency when giving consideration to development over, near or adjacent to a river course. Any developer will have to address the required mitigation measures against possible flood or environmental damage to the water course, as set out under current legislation. This was the case for the new residential development on the William Ransom site, Hitchin built adjacent to the River Hiz in 2007. Development of this site not only required careful attenuation measures for the flow of the river but was also required to address environmental impacts and resulted in an improved riverside walkway. It is also noted that part of the residential development at Bridge Court off Jill Grey Place is within the 7m strip controlled by the Byelaw. Various conditions were imposed on the planning permission for this development which ensured that the correct construction methods including a prohibition against raising ground levels within close proximity of the river was followed and again also included improvement/extension of the River Hiz walkway.

- 2.2.6 At this point in time it is premature to consider whether consent will be given for development on the Churchgate area or the Post office site in accordance with the Byelaw, as Simons are revising their proposals and a Planning Brief is yet to be prepared for the Post Office site.

### **2.3 Visits to Local Schools**

- 2.3.1 Given the difficulty in trying to arrange convenient times with the Schools, Simons and officers, the Churchgate Project Team agreed that officers should progress with the school visits and that a summary of comments are fed back to Simons for their consideration in developing options for a proposed scheme. It has also been agreed with Simons that once they have prepared their proposed scheme, and as part of the consultation process, they will re-engage with the School Councils to demonstrate how their ideas have been developed whilst also seeking their input to their proposed scheme.
- 2.3.2 Officers have met with the Student Council of the Hitchin Boys School in February and also have sessions arranged with the Hitchin Girls School Student Council at the end of February and with the Priory Student Voice in March. These sessions have been arranged to seek the views of young people about Hitchin Town Centre and what improvements they would like to see. A summary of their views will be reported in the next Churchgate Information Note to Hitchin Committee in June.

## **3. REPORTS TO CABINET**

- 3.1 None to Report

## **4. AVAILABLE INFORMATION**

- 4.1 Following a Freedom of Information request from a member of the public which was considered by the Information Commissioner the Council has recently released, the Churchgate Project Risk Register. This can be viewed under the Frequently Asked Questions sub-page on the Council's website and a copy is also available to view in the Hitchin Library.
- 4.2 The Council will continue to proactively publish information about the project in order to assist and inform the public debate. All documents are available to view on the Council's website at [www.north-herts.gov.uk](http://www.north-herts.gov.uk) and in the Hitchin Library.
- 4.3 It is to be noted that some of these documents contain redactions for commercial sensitivity reasons.
- 4.4 As issues arise the Council will update the 'Frequently Asked Questions' section on the website.

## **5. CONCLUSION**

- 5.1 That the Hitchin Committee note the content of this Information Note.

## 6. CONTACT OFFICERS

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