

Public Document Pack

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

TUESDAY, 3RD DECEMBER, 2024

SUPPLEMENTARY AGENDA

Please find attached supplementary papers relating to the above meeting, as follows:

Agenda No Item

5. **24/01962/FP LAND ADJACENT TO RED BRICK COTTAGE, THE STREET, KELSHALL, ROYSTON, HERTFORDSHIRE, SG8 9SQ (Pages 3 - 4)**

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Erection of custom/self-build detached 5-bed dwelling with shared vehicular access.

6. **24/02173/FP ANDERSON HOUSE, FLORENCE STREET, HITCHIN, HERTFORDSHIRE, SG5 1RA (Pages 5 - 6)**

REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Change of use from care home (use class C2) to supported hostel accommodation (sui generis) and provision of additional car parking, refuse/recycling store and cycle storage. Erection of single storey store (as amended by plan nos. 1300-S2-P04, 1350-S2-P03 (002), 1181-S2-P06 and CCTV layout plans received 13.11.2024).

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24/01962/FP at Land adjacent to Red Brick Cottage, Kelshall

Written update to Planning Control Committee on 3rd December 2024:

At the time of writing (Monday 2nd December 2024), there are the following updates for members since the publication of the agenda and reports pack for Planning Control Committee.

- 1) On the matter relating to the proposed development and its impact on the existing Public Right of Way (PRoW) through the site, Hertfordshire County Council's Public Right of Way Department were formally consulted on this application and provided a formal response, as set out under part 3.5 of the Officer report. HCC deal with footpath diversions under the Highways Act.
- 2) The impact of the proposed development on the PRoW is addressed in full at sections 4.3.32 to 4.3.35 of the Officer report, largely in accordance with the HCC PRoW formal comments, in regard to the requirement for a footpath diversion and ideal characteristics of the proposed diverted route.
- 3) However, the North Herts Council Technical Project Officer who also deals with applications for PRoW diversions under the Town and County Planning Act (section 257) has provided formal comments on this application. These comments are available on the Councils website and are appended to this update for ease, which notably includes a recommended condition that deals with the footpath diversion application.
- 4) As set out in the Officer report, it is reiterated that whilst the diversion or stopping up of footpaths is a separate process to planning control and it cannot be assumed that because planning permission is granted that an Order under S257 will be confirmed, a pre-commencement condition is recommended to ensure that this process takes the necessary initial steps. The agent has had sight of the proposed condition and has formally agreed to it. It is therefore recommended that the proposed condition be included in the recommendation to members of the Planning Committee, which would be condition 12.

My reference: Kelshall Footpath 007

Your reference: 24/01962/FP

Date: 29/11/2024

Contact: mark.hindmarch@north-herts.gov.uk

Proposal: Land adjacent to Red Brick Cottage, Kelshall.

Dear Alex.

Thank you for consulting me regarding the proposed new dwelling on land adjacent to Red Brick Cottage, Kelshall.

The site currently is crossed by the Public Footpath Kelshall FP 007. The orientation of the proposed dwelling is such that it's footprint would be built across the line of the footpath and therefore require diversion to re-route around the field edge.

Town and Country Planning Act 1990 section 257 allows for a competent authority to authorise the stopping up or diversion of any public right of way if they are satisfied that it is necessary in order for development to be carried out.

In the case of planning application 24/01962/FP, the new dwelling could not reasonably be built on any other portion of the land without immediately affecting the definitive line of FP 007.

Therefore, the test is proven that the footpath requires diversion to enable development to be carried out. I consider that there is no objection to the planning application on these grounds.

A condition must be placed on the decision notice to protect the current line of the footpath and accordance that an application to divert the current footpath is submitted to the Local Planning Authority.

“Prior to the commencement of the works hereby granted a footpath diversion order shall have been applied for to the Local Planning Authority under the Town and County Planning Act 1990 Section 257 and a temporary diversion/stopping up order granted by the Hertfordshire County Council Public Rights of Way department. At no point shall the public footpath be blocked or access impeded until such time as both the above criteria are satisfied. Guidance on the application can be found at <https://www.north-herts.gov.uk/public-footpath-diversions> or by contacting the officer delegated on 01462 474431.”

Reason: To ensure that the route of the public footpath remains open for use by members of the public at all times . To comply with Policy D1 of the North Herts

Kind regards

Mark Hindmarch

Technical Project Officer 01462 474431

Addendum and Update to Committee Report

Item 6 : 24/02173/FP - Andersons House, Florence Street, Hitchin, SG5 1RA

Change of use from care home (use class C2) to supported hostel accommodation (sui generis) and provision of additional car parking, refuse/recycling store and cycle storage. Erection of single storey store (as amended by plan nos. 1300-S2-P04, 1350-S2-P03 (002), 1181-S2-P06 and CCTV layout plans received 13.11.2024)

Update to Committee Report:

- 1) Paragraph 3.5 of the report under NHDC Planning Policy officer states 'any comments will be report when available'. A response has been received from the Council's Policy officer on 18th November confirming that there is no conflict with Policy HS4 of the Local Plan.

- 2) Paragraph 3.8 of the report under Herts Crime Prevention officer states 'any comments will be reported when available'. Hertfordshire Constabulary Crime Prevention officer responded on 19th November providing local crime figures in the vicinity of the application site. The officer confirms that in relation to Andersons House, four incidents were found although none relating to Anti-Social Behaviour. The officer noted the separation between adults and youth residents and the extent of CCTV coverage proposed. The officer confirmed support for the application on behalf of the Neighbourhood Policing team. Full details of this response are published on the Council's Planning web site.

- 3) Paragraph 4.3.51 refers to negotiations between the applicants and the Council's Housing team regarding a nominations agreement. The applicant has agreed that a planning condition can address this issue and the following wording is proposed as an additional condition (i.e. condition number 12) should the Committee be minded to grant planning permission:

'Prior to the commencement of the use hereby permitted full details of a resident nominations agreement for Andersons House to include the role of North Hertfordshire District Council as local housing authority, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in perpetuity in accordance with the approved nominations scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development meets a local housing need and to comply with paragraph 60, Section 5 of the National Planning Policy Framework (2023).

Other consultation responses:

Hertfordshire County Council's Growth & Infrastructure Unit has responded in respect of the impact of the development on HCC's services for the local community including early years, primary and secondary education, special educational needs (SEND), library, youth, waste and Hertfordshire Fire & Rescue Services. The Authority advises that it will not be seeking financial contributions in respect of these services. A copy of the response is published on the Council's Planning web site.

North Herts Waste Services

As an update to paragraph 3.7 of the Agenda report the Council's Waste Manager advises that the proposal now meets waste collection requirements and therefore approves this application in terms of waste collection provision.

Additional public responses

A number of responses from members of the public have been received since the Committee report was written. The majority of the comments have already been made by other residents and covered in the report however the following additional points are made:

- Policy Crime data cover a period when Andersons House was closed and do not address the potential increase in crime rate and workload of the local police due to the complex needs and requirements of the proposed residents of the development.
- Increase in crime rate needs to be addressed and managed by the applicant
- The proposal has the potential to disrupt the established residential community and overwhelm local amenities
- The proposal does not include any proposals to mitigate the behaviour of residents off site in the local community
- The application lacks commitments from the developer to deliver or fund the infrastructure and community improvements required for a development of this scale.

Any further responses that raise new or additional issues will be reported verbally to the Planning Committee

Date: 28th November 2024