

22 November 2024

Our Ref Planning Control Committee 3 December
2024
Contact. Committee Services
Direct Dial. (01462) 474655
Email. committee.services@north-herts.gov.uk

To: Members of the Committee: Councillors Elizabeth Dennis (Chair), Nigel Mason (Vice-Chair), Amy Allen, Sadie Billing, Ruth Brown, Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Michael Muir, Louise Peace and Tom Tyson

Substitutes: Councillors Val Bryant, Jon Clayden, Mick Debenham, Joe Graziano, Keith Hoskins, Steve Jarvis, Sean Nolan and Martin Prescott

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERON
ROAD, LETCHWORTH GARDEN CITY, SG6 3JF**

On

TUESDAY, 3RD DECEMBER, 2024 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda

Part I

Item		Page
1.	APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
3.	CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
4.	PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
5.	24/01962/FP LAND ADJACENT TO RED BRICK COTTAGE, THE STREET, KELSHALL, ROYSTON, HERTFORDSHIRE, SG8 9SQ REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Erection of custom/self-build detached 5-bed dwelling with shared vehicular access.	(Pages 5 - 24)

6. **24/02173/FP ANDERSON HOUSE, FLORENCE STREET, HITCHIN,
HERTFORDSHIRE, SG5 1RA** (Pages
25 - 46)
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).

7. **PLANNING APPEALS** (Pages
47 - 50)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

To update Members on appeals lodged and any decisions made.

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<u>Location:</u>	Land Adjacent To Red Brick Cottage The Street Kelshall Royston Hertfordshire SG8 9SQ
<u>Applicant:</u>	Mr Bill Brede
<u>Proposal:</u>	Erection of custom/self-build detached 5-bed dwelling with shared vehicular access.
<u>Ref. No:</u>	24/01962/FP
<u>Officer:</u>	Alex Howard

Date of expiry of statutory period: 7th November 2024

Extension of statutory period: 13th December 2024

Reason for Delay: In order to present the application to an available committee meeting.

Reason for Referral to Committee: The application has been called in by Cllr Martin Prescott in support of the reasons set out in the formal objection from the Kelshall Parish Meeting.

1.0 **Site History**

1.1 **24/01096/DOC** - Detail reserved by Condition 3 (Construction Management Plan) of Section 73 agreement application reference 24/00065/S73 granted on 26.03.2024 (as amended by details received 4th July 2024)

1.2

Approval of Details

24/01138/DOC - Detail reserved by Condition 4 (Hard and Soft Landscaping) of Section 73 agreement application reference 24/00065/S73 granted on 26.03.2024.

Approval of Details

24/01265/DOC - Details reserved by Condition 6 (External Materials Schedule) of Section 73 application reference 24/00065/S73 granted on 26.03.2024.

Approval of Details

1.2 **24/00065/S73** - Removal of Condition 2 (approved drawing numbers - omit drawings; 2021/60/01, 2021/60/02 C, 2021/60/03 B and replace with drawings; 2021/60/01C, 2021/60/02 E, 2021/60/03 B) of planning permission 22/01229/FP granted 06.09.2023 for Erection of one detached 4-bed dwelling including new vehicular access, garage, parking and landscaping (as amended by plans received 9th August 2022).

Conditional Permission

- 1.3 **22/01229/FP** - Erection of one detached 4-bed dwelling including new vehicular access, garage, parking and landscaping (as amended by plans received 9th August 2022).

Refused – Allowed at Appeal

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP12: Green Infrastructure, Landscape and Biodiversity
Policy SP13: Historic Environment
Policy T1: Assessment of Transport Matters
Policy T2: Parking
Policy CGB1: Rural Areas beyond the Green Belt
Policy D1: Sustainable Design
Policy D3: Protecting Living Conditions
Policy D4: Air Quality
Policy NE1: Landscape
Policy NE4: Biodiversity and Geological Sites
Policy HE11: Contaminated Land
Policy HE4: Archaeology

Supplementary Planning Documents (SPD)

Sustainability SPD September 2024

2.2 **National Planning Policy Framework (July 2021)**

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable development
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment

3.0 **Representations**

- 3.1 **Site Notice and Neighbour Consultation** – A total of 31 responses have been received from interested parties, 29 objecting and 2 neutral, to the proposal on the following grounds:

- The proposal would be facilitated by a footpath diversion which is well used by local residents and requires the formal approval of the County Councils Right of Way Department.
- The proposal would squeeze two large properties onto the site which are larger than the dwelling allowed at appeal. This would not constitute small infill development, nor would it retain sky gaps and open character as considered by Officers and the Inspector.
- The notion that this property is a self/custom build is flawed without justification.

- The original dwelling built out on site currently was approved under Kelshall's Category B status.
- This proposal is very different to that which was allowed at appeal and should be sent back to PINs for this reason.
- The dwelling being built out on site was subsequently amended to be taller, wider and deeper overall with a different design, this proposal is a mirror image of that latest approved dwelling.
- The appellants justification relied heavily on the plot accommodating a single dwelling, which is no longer the case with this proposal.
- The dwellings are likely to result in 3 cars each, worsening traffic conditions on this quiet lane with limited passing places.
- Existing utilities and services are inadequate, and this proposal will make this matter worse.
- Increased risk of flooding as a result of this additional dwelling from the pond at the rear of the site and run off onto the highway.
- The Local Ramblers Group objects to this application due to the assumed diversion of the Kelshall Footpath 007. Mentions a lack of detail about the diverted path but mentions that support could be forthcoming if certain measures are met and adhered to.
- Concerns that the mature hedgerow fronting The Street will be totally removed as a result of this proposal.
- The proposal would not support the consideration of infill development in Kelshall under ref: 20/02292/OP which stated "*categorisation of Kelshall as a Cat B settlement and this will inevitably invite further applications for housing development as part of a planned approach to increasing housing supply in smaller settlements. The issue is not that more development will be encouraged in the village, rather that it will be delivered in a measured, appropriate and sensitive manner*".
- The developer has not followed the plans for construction on the first dwelling.
- The proposal would diminish the considerable wildlife on the site.
- The dwellings will detract from the areas rural character.
- Concerns that when the site was sold, undertakings were given to not build houses on the site, which is not the case here.
- The proposal would continue to disrupt residents due to the construction traffic and processes.
- The previous refusal was allowed on appeal because the Council did not represent themselves or their application.
- Concerns relating to the access and manoeuvrability were made clear to the Council during the last application but were ignored.
- The proposal would increase the existing sewage issues with overflow into the River Rib.
- This is planning creep and should not be approved.
- The proposal is contrary to Local and National Planning Policies, namely Policies SP9, CGB1, D3 and SP2 of the Local Plan.
- There is some confusion with the phrase 'Built Core' in the context of Kelshall, where one does not exist.
- Kelshall has seen a disproportionate amount of housing growth which is not in accordance with Policy SP2.
- Concerns that approving this dwelling would set a precedent for future unacceptable development.

3.2 **Hertfordshire Highways** – No objection to the proposal including the use of the existing access, subject to conditions.

3.3 **Kelshall Parish Council** – Objects to the proposal for various reasons (summary):

- The dwelling being built out on site has not been done so in accordance with the Construction Management Plan, which will be repeated with this proposal if approved.
- Increased traffic during construction will cause damage to the narrow single track road.
- This proposal would not retain sky gaps or the open character of the area, as considered by the Inspector. This would alter the character of the village.
- The site is prone to flooding and the proposal would cause this issue to make the matter worse.
- The village has insufficient infrastructure to cope with the additional housing.
- Diverting the footpath through the site does seem to be an unnecessary inconvenience for regular users in the village.

3.4 **Environmental Health (Air Quality, Land Contamination, Noise)** – No objection subject to conditions covering EV charging points and contamination.

3.5 **County Council Rights of Way** – *“Drawing (Ref P01) illustrates Public Right of Way Kelshall 007. The D&A states: The existing RoW would be diverted around the boundary. Should this be given planning permission please see guidance below.*

Whilst any works are underway, the Public Right of Way (Kelshall 007) must remain unobstructed and safe for public use at all times. If, for safety reasons, it becomes necessary to close the footpath then a Temporary Traffic Regulation Order must be applied for and granted before any such works take place.

With regard to an application to divert the footpath, the current Definitive Line of Kelshall Footpath 007 must remain unobstructed and safe for public use whilst an application is being processed. It must also be stressed that there is no guarantee that an application to divert the footpath will be successful. No works that would obstruct the existing route of the footpath may take place until a diversion application has been successfully confirmed.

The proposed diversion route is restricted on both sides by a fence and hedgerow and includes a sharp right-angled bend; neither of these features are desirable and could raise objections from user groups and local residents. It should be noted that HCC’s policy on new footpaths states that they must be an absolute minimum of 2m in width, with greater widths being preferred, especially by user groups.

If the developer would like to discuss the diversion process, they should contact Hertfordshire Rights of Way at: row@hertfordshire.gov.uk.”

3.6 **Waste and Recycling** – Suggested general guidance given.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is a parcel of land located adjacent to Red Brick Cottage and fronting The Street, Kelshall. A dwelling is currently under construction on this site on the northern half, see the site history for further details.

The site is split from The Street by a mature hedgerow which has been partially removed to facilitate vehicular access to the dwelling currently under construction. There is a public footpath that runs in a diagonal line through the site from the southernmost corner to the north of the site.

4.1.2 Kelshall is designated as a Category B settlement and all of the site is within the Rural Area beyond the Green Belt, as per the Adopted North Hertfordshire Local Plan.

4.2 **Proposal**

4.2.1 Planning permission is sought for the erection of one custom/self-build detached 5-bed dwelling with shared vehicular access. The proposal would seek to mirror the design and scale of the dwelling approved on the site under application ref: 24/00065/S73, comprising a two-storey dwelling with a 'H' shaped plan with a recessed central ridge line between two front facing gable ends. The dwelling would incorporate an attached single-storey garage with a hipped roof on the frontage which would be slightly offset. The proposal would be set slightly forward compared to the other approved dwelling on the site, with the main two-storey part of the dwelling set back from The Street by approx. 21.0m with the single storey garage set back by approx. 12.0m. The property would be finished in the same external materials as the other approved scheme, specifically black stained weather boarding/red brick work to the walls, and natural slate roof tiles. The windows would be finished in aluminium frames in a great/green colour.

4.2.2 The application is supported by the following documents:

- Plans and Elevations: 738 Location Plan, 738 P-01 Proposed Site Plan, 738 P-02 Proposed Plans and Elevations
- 738 Design and Access Statement.
- Proposed Site Plan Soft Landscaping P3708-B-SLS01 V1

4.3 **Key Issues**

4.3.1 The key issues for consideration are the:

- Principle of Development
- Planning History
- Design/Impact on the Character of the Area
- Impact on Neighbouring Dwellings/Future Occupiers
- Landscaping
- Access, Parking and Highways
- Rights of Way
- Other Matters

Principle of Development

4.3.2 Policy SP1 of the Local Plan supports the principles of sustainable development and seeks to maintain the role of key settlements as the main focus for housing and to ensure the long-term vitality of the villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities.

The policy elaborates on this stating that planning permission will be granted for proposals that deliver an appropriate mix of homes, create high quality development that

respects and improves their surroundings and provides for healthy lifestyles, provides for necessary infrastructure to support an increasing populations, protects key elements of the District's environment including biodiversity, important landscape, heritage assets and green infrastructure, the mitigates the impact on climate change.

4.3.3 Kelshall is designated as a Category B village within Policy SP2 of the Local Plan, where it states that *"infilling development which does not extend the built core of the village will be allowed"*. This village does not have a defined settlement boundary and is therefore designated as Rural Area beyond the Green Belt in the Local Plan, where there is a general presumption against development unless certain criteria are met. Policy CGB1 sets out these criteria, stating that permission will be granted for *"infilling development which does not extend within the built core of a Category B village"*. As such, as was the case for the previous application at this site under ref: 22/01229/FP, the main consideration at this stage is whether the site can be regarded as infill and whether the proposal will extend the built core of the village, for the purposes of the aforementioned policies.

4.3.4 Officers remain of the view that Kelshall can be characterised as a linear village, with sporadic built form from the southern part of The Street up towards North End. The village does not have a defined settlement boundary, so an objective assessment is required to determine what is considered the 'built core'. There are small clusters of built form in Kelshall, located towards North End, the centre of the village around the junction, and on The Street. These clusters are, in the spirit of Policy SP2 and CGB1 of the Local Plan, considered to be the built core of Kelshall. The application site is located on the north-east side of The Street, with a number of residential properties located to the south-east and west. There are residential properties to the north of the site, but there is a coppice which separates them physically. On this basis, it is considered that the due to the built form that is present in the areas surrounding the site, it can be classed as part of the existing built core of the village. Planning permission was granted on appeal for a dwelling on this site, a revised version of which is under construction at the site (ref: 22/01229/FP and 24/00065/S73), the Inspector's decision sets out the following in this respect:

"6. The appeal site is large and therefore spacious, comprising approximately half of an existing paddock with further open agricultural land beyond to the rear. However, the NHLP policies provided do not state that the size or spaciousness of a site is a determining factor of whether a proposal represents infill.

7. The proposal would be situated on land set between built form within the village, with residential dwellings continuing along The Street in both directions. Whilst there is an intervening piece of land with trees to the immediate boundary on one side of the site and an intervening piece of land and a Public Right of Way (PRoW) to the opposite side, and dwellings continue further beyond in both directions. Thereby, the proposed development would infill an area of land that is an existing gap within the village".

Therefore, whilst Officers acknowledge that the proposal is subject to the diversion of the Public Right of Way, in accordance with the previous views of Officers and the Inspector, the proposed development would be considered infilling development in a Category B village.

4.3.5 As already stated, there are a number of residential properties located within close proximity to the site, with Red Brick Cottage to the south-east, five dwellings to the west on the opposite side of The Street and Flint Cottages immediately north of the separating coppice. Therefore, in a village where built form is sporadic in nature, this proposed

dwelling would be physically and visually related to existing properties on three sides in a linear fashion. Indeed, the Inspector also considered this in the appeal decision, stating that:

“Furthermore, the proposal would not extend the built core of the village, as it does not lie at the edges of the village. Additionally, there are existing residential properties opposite the appeal site, so the proposed dwelling would be seen in the context of other dwellings nearby”.

Therefore, in accordance with the previous views of Officers and the Inspector, it is considered that the proposed development would not extend the built core of the village.

4.3.6 Many of the responses received from interested parties in opposition to this proposal, which were indeed raised for the last application, are concerned about the potential for a precedent being set. These concerns are indeed acknowledged but as set out in the Officer report to Planning committee for the last application and upheld by the Inspector at appeal, Kelshall has been designated as a Category B village in the adopted Local Plan, where infilling development is supported in principle. Whilst further applications for housing as part of the planned approach to increasing housing supply in smaller villages, in accordance with the criteria set out in Policy SP2 and CGB1 of the Local Plan may be forthcoming, each application will be considered on its own merits.

4.3.7 As such, in light of the aforementioned considerations regarding the designation of Kelshall as a Category B settlement in the Local Plan, the sporadic nature of the village and the clusters of built form that make up the villages’ built core, and the relevant extracts from the Inspectors appeal decision for the dwelling currently under construction at this site, it is considered that the proposed development would constitute infilling development that would not extend the built core of this village.

4.3.8 The proposed development is therefore considered acceptable in principle, in accordance with Policy SP2 and CGB1 of the Local Plan.

Planning History

4.3.9 As set out at section 1.0 of this report and already mentioned in the above section of this report, the planning history of this site is relevant and material. Planning permission was sought under ref: 22/01229/FP for ‘Erection of one detached 4-bed dwelling including new vehicular access, garage, parking and landscaping (as amended by plans received 9th August 2022)’. This application received significant opposition from local residents and the Parish Meeting, which resulted in it being called-in to Planning Control Committee should Officers be minded to approve the application. Officers recommended approval, subject to conditions. Following the committee meeting, the application was refused for the following reason, which was drafted in accordance with the Planning Committee Members who voted on its refusal:

“The scheme is considered contrary to Local Plan policies that inform on appropriate development in the Rural Area beyond the Green Belt. The proposal fails to comply with any of the criteria within Policies SP2 and CGB1 of the Local Plan, as the proposal is not considered to fall within the remit of infill development given the sizable and spacious nature of the plot.

Moreover, the scheme would be harmful to the character and appearance of the village and would be at odds with the sporadic pattern of development that makes up the settlement of Kelshall. The proposal is therefore deemed contrary to Policies SP2, D1 and CGB1 of the Local Plan, as well as Section 12 of the NPPF”.

4.3.10 The decision to refuse planning permission was then appealed to the Planning Inspectorate. As a result of the Officer recommendation being overturned, the LPA reached out to the Planning Committee Members who attended the meeting to seek their views as to the wording of the reason for refusal, the reasoning behind the views on the night and why they were not prepared to support the application. Emails were received from Councillors who supported the wording and rationale behind the decision on the night, and these responses were submitted to the Planning Inspector, alongside the minutes from the Committee meeting. The Inspector considered the application on its merits and opted to allow the appeal, coming to the view that the site did constitute infilling development that would not extend the built core of the village, and that the development would not be harmful to the character and appearance of the area.

4.3.11 As such, the repeated accusations from interested parties that the appeal was only allowed due to insufficient evidence or because the Council opted not to represent its decision, is unfounded. Due process was followed.

4.3.12 Following the grant of planning permission for the detached 4-bedroom dwelling and a detached garage, the applicants opted to submit another application to amend the scale and design of the approved scheme under ref: 24/00065/S73. This proposal sought to increase the size of the dwelling and change its external appearance, which can be summarised as follows from the corresponding Officer report:

“The proposed amendments to the scheme for a single dwelling compared to the previous application allowed at appeal can be summarised as follows:

- *The proposed dwelling would be approx. 1.0-1.2m taller than the approved dwelling and would be comprised of a single built mass measuring approx. 19.0m wide, compared to the approved dwelling and garage which was approx. 15.5m wide (dwelling) and 7.5m wide (detached garage). The proposed dwelling would be 3.0m closer to The Street compared to the approved dwelling, but this is in the form of a single storey hipped front garage element. The two-storey mass of the proposed dwelling is 21.0m away from The Street, compared to 17.0m for the dwelling allowed at appeal.*
- *Through negotiation with the agent, they have agreed to amend the plans to reflect the palette of materials approved at appeal (ebony stained featheredge boarding/plain brickwork and slate roof tiles)”.*

4.3.13 This application was also met with strong opposition from local residents and the Parish Meeting, stating that increasing the height, footprint and moving built form closer to the boundary should not be supported and that the vehicle through which amendments were sought was not appropriate. However, Officers were of the opinion that whilst the Inspector considered the initial dwelling to be acceptable in principle and external appearance, the scale of changes proposed on what is a sizable plot were not unreasonable. It was considered at the time that the extent of changes sought did not justify the refusal of planning permission, such that the application was approved under delegated powers. There is no requirement or legal basis for applications seeking amendments to schemes allowed on appeal to be reverted to the Planning Inspectorate.

4.3.14 The application with ref: 24/00065/S73 that was approved under delegated powers is the dwelling being constructed currently on the northern half of the site. The current application under consideration is a mirror image of that approved dwelling.

Design/Impact on the Character of the Area

- 4.3.15 Policy D1 of the Local Plan states that planning permission will be granted provided the development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.16 The proposed dwelling seeks to mirror the scale, design and appearance of the dwelling approved under application ref: 24/00065/S73, comprising a two-storey dwelling with a 'H' shaped plan with a recessed central ridge line between two front facing gable ends, the tallest of which measures approx. 8.7m to ridge and 4.5m to eaves. The dwelling would incorporate an attached single-storey garage with a hipped roof on the frontage which would be slightly offset. The proposal would be set slightly forward compared to the other approved dwelling on the site, with the main two-storey part of the dwelling would be set back from The Street by approx. 21.0m with the single storey garage set back by approx. 12.0m. The property would be finished in the same external materials as the other approved scheme, specifically black stained weather boarding/red brick work to the walls, and natural slate roof tiles. The windows would be finished in aluminium frames in a grey/green colour.
- 4.3.17 The proposed dwelling is larger and visually different to the original scheme allowed at this site and it is acknowledged that the Inspector referred to the sense of spaciousness and retaining significant sky gaps in their appeal decision for the original scheme, which was the case for that application and true at the time in the view of Officers. However, the current application must be considered on its merits in the context of the subsequent changes that were made to the dwelling which were considered acceptable by the Council. In this respect, it is considered that there is a wide variety of traditional architectural styles and differing scales, proportions and forms of residential dwellings in Kelshall, which can be seen amongst the immediate neighbouring properties of the site and further up towards North End. This mixture of house types is part of the character of the village and as the Council has already considered the design of this dwelling acceptable, albeit in mirrored form currently being built out, the design of the proposed dwelling is also considered acceptable and sympathetic to the character of the area. Officers accept that this proposal is large which has been designed to mirror the approved scheme on the northern part of the site, but these are large plots which can accommodate a dwelling of this size which are suitably set back from The Street behind the retained mature hedgerow, with suitable separation distances between boundaries. The proposal would not result in overdevelopment of the site. The materials are high quality as negotiated by Officers for the scheme currently being built out on site, of which this will match.
- 4.3.18 In terms of the cumulative impact of the proposed dwelling and the dwelling currently being built, Officers accept that there would be a noticeable visual change compared to the single dwelling scheme being built out as at present, half of the site would remain undeveloped. However, the design and scale of this dwelling, would match the form and proportions of the approved dwelling. In addition, there would be significant setback from The Street and screening provided by a mature hedgerow and the side boundaries. Therefore, it is considered that the pair of dwellings would result in an acceptable visual impact on the character of the area.
- 4.3.19 The proposed dwelling and that under construction would be visible above the mature 2.5m hedgerow that fronts The Street. There would be a noticeable change compared to the currently built out scheme with two dwellings rather than one and this will have a subsequent impact on the character of the area. However, the proposed dwelling is shown to be set back from The Street by approx. 12.0m to the single-storey hipped garage element and approx. 21.0m to the principal two-storey element, which is considered to be a significant distance and appropriate given the raised ground level at

the site. This set back distance of the proposal, coupled with the screening provided by the hedgerow with the exception of the central part of the hedgerow removed for access purposes, will limit the impact of the proposal upon the character and appearance of the area, such that the level of harm attributed would not be unacceptable. It is proposed to remove permitted development rights under Class E of Part 1 to Schedule 2 of the Town and Country Planning General Permitted Development Order, which includes outbuildings. Given the size of garden and proximity to the public footpath it is considered that relatively large buildings that could be permitted development may have a material impact upon the character and appearance of the area. The removal of such rights would not prevent outbuildings from being erected, but would introduce control over such matters, as planning permission would be required.

- 4.3.20 As such, the proposed dwelling is considered acceptable in design, scale and appearance. Furthermore, in isolation and cumulatively with the dwelling being built out, the proposal would not result in unacceptable harm to the character of the area. This is in accordance with Policy D1 and SP9 of the Local Plan and Section 12 of the NPPF.

Impact on Neighbouring Dwellings/Future Occupiers

- 4.3.21 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. Policy D1 seeks to ensure that residential development will meet or exceed the nationally described space standards.
- 4.3.22 The proposed dwelling would be sited relatively in line with the approved dwelling being built out on site, with an approx. 5.3m separation distance between a proposed shared boundary hedgerow. The dwelling would face The Street directly and would comprise a dual-pitched roof which matches the approved dwelling. The proposed dwelling would be significantly separated from the existing residential properties on The Street to the south and west. Therefore, it is considered that the proposal is unlikely to result in an unacceptable impact on the reasonable living conditions and well-being of neighbours, in respect of overdominance, loss of privacy through overlooking, and loss of daylight/sunlight. This is in accordance with Policy D3 of the Local Plan and Section 12 of the NPPF.
- 4.3.23 The proposed dwelling would exceed the nationally described space standards for a 5-bedroom/10-person property, all habitable rooms would benefit from suitable levels of natural light, and the dwelling would benefit from a sizable private amenity area to the front, side and rear. Therefore, the proposal would provide a high standard of amenity for future occupiers, in accordance with Policy D1 of the Local Plan and Section 12 of the NPPF.

Landscaping/Ecology

- 4.3.24 In regard to landscaping, the proposed landscaping scheme seeks to retain the existing mature hedgerow that fronts The Street and incorporate new planting on the south and east boundaries and the proposed shared boundary with the approved dwelling on the north of the site.
The plan seeks utilise the space around the dwelling for a lawn/grass area with new trees planted across the site. The proposed soft landscaping plan is deemed acceptable in planning terms, in line with Policy NE4 of the Local Plan.
- 4.3.25 The proposal also looks to incorporate hard landscaping for the driveway, in the form of permeable gravel which is deemed acceptable.

- 4.3.26 Further to the proposal regarding the mature hedgerow that fronts The Street, there has been further comments received relating to its future and possible removal. The hedgerow is approx. 2.5m in height and spans the entire width of the site's frontage. Many of the representations that have received from interested parties are concerned with the hedgerow, suggesting that it may need to be removed. In response, the proposal has always been clear that apart from the necessary removal of the central part of the hedgerow for vehicular access and the removal of parts of the frontage to achieve the required visibility splays, no more of the mature hedgerow is proposed to be removed. This was indeed the case for the approved dwelling being built out on site and has been consistently shown on the proposed plans.
- 4.3.27 With regard to the ecology of the site, during the first application on this site under ref: 22/01229/FP, the applicant submitted a Preliminary Ecological Assessment. The report concluded that no protected species were present on the site, with a precautionary working method to be adopted throughout the development and for hedgerow removal at the appropriate time of the year. Some of the interested parties for this application have set out views contrary to this, suggesting there are various species of wildlife at this site that would be impacted by the proposal. However, as was the case for the first application, it is considered appropriate and reasonable to condition that the precautionary measures set out in the Preliminary Ecological Assessment be carried out on site, should permission be granted. This was supported by the Inspector when the appeal was allowed.
- 4.3.28 This development is considered exempt from BNG Legislation, defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, due to it falling under the scope of the 'self-build' exemption.

Access, Parking and Highways

- 4.3.29 The proposed dwelling would share the approved vehicular access of The Street with appropriate visibility splays as approved under the original application and the subsequent section 73 application. This access has been facilitated by the removal of the central part of the mature hedgerow which has been carried out on site already for the approved dwelling. The Highway Authority have formally commented on this application stating that they have no objections to the shared access arrangements for both dwellings and the ability for future occupiers to enter and leave the site in forward gear. The requirement to maintain the approved visibility splays is a condition on the already approved dwelling's decision, which is suitable as the access is shared.
- 4.3.30 The proposed development would incorporate an attached double garage on the frontage and sizable front driveway capable of parking several cars. This would exceed the required two parking spaces under Policy T2 of the Local Plan the Vehicle Parking at New Developments SPD and as such, there are no objections to parking. An EV charging point would be incorporated in the proposal, enforced via condition.
- 4.3.31 As considered during the first application for the single dwelling, a number of representations received from interested parties have concerns over the single-track road with no footpaths and two blind bends, where it is stated that numerous near misses have taken place. Further concerns are raised regarding the resulting impact of vehicles clipping residents' cars and using driveways to manoeuvre out of the highway. These concerns suggest that The Street is not designed or equipped to accommodate infill development for this reason, which means that a further dwelling on this site will exacerbate this concern. These concerns were acknowledged under the previous application and are acknowledged again now, but the fact is that the Highway Authority

have no objections to the proposal subject to conditions. Therefore, it would be wholly unreasonable to object to this scheme in this regard in the absence of a formal objection from Highways, who are the experts on such matters.

Rights of Way

- 4.3.32 There is an existing public Right of Way across the site (Kelshall 007) which goes from the southern corner to the northern corner of the field. The footpath is proposed to be diverted in order to facilitate the erection of the proposed development, as shown on plan no. 738 P-01 which seeks to re-direct the right of way around the southern boundary in an easterly direction before turning 90 degrees to be adjacent to the north-eastern boundary.
- 4.3.33 The County Councils Right of Way Department have considered the proposal and have provided formal comments. They considered that whilst any development is underway, the Public Right of Way must remain unobstructed and safe for public use at all times. If for safety reasons it becomes necessary to close the footpath, then the applicants must apply for a Temporary Traffic Regulation Order and granted before any development takes place. In terms of the proposed measures to divert the footpath, the current Definitive Line of Kelshall Footpath 007 must remain unobstructed and safe for public use whilst an application is being processed. HCC have stressed that there is no guarantee that an application to divert the footpath will be successful, even if planning permission is granted. The applicants would need to apply for the diversion if planning permission is granted. As such, no works that would obstruct the existing route of the footpath can take place until a diversion application has been successfully confirmed. Should the application be approved but the footpath diversion refused, then the planning permission would not be able to be lawfully implemented. HCC also gave guidance on the proposed diversion route, acknowledging that the proposed route is restricted on both sides by a fence and hedgerow and includes a sharp right-angled bend, which not desirable features and could raise objections from user groups and local residents. It was also noted that HCC's policy on new footpaths states that they must be an absolute minimum of 2.0m in width, with greater widths being preferred, especially by user groups.
- 4.3.34 The agent has advised Officers that they would be happy to resolve these desirable features as set out by HCC, by including a 45 degree splay at the currently shown 90 degree corner and they have confirmed that the diverted footpath is 2.5m wide, in excess of the minimum 2.0m. Officers are of the view that this would be acceptable in principle and should be considered and formalised directly with HCC through their separate process.
- 4.3.35 Overall, subject to the applicants gaining the necessary approval from HCC Rights of Way department to divert the existing footpath, the application is considered acceptable in this regard.

Other Matters

- 4.3.36 A concern raised by interested parties was centred around the existing flooding issues that occur on the site which will be impacted by the approved dwelling and therefore exacerbated by the proposed development. The Council acknowledge that flooding is an issue in Kelshall, but the appropriate body to comment on this issue is the Local Lead Flood Authority who do not respond to applications for single dwellings. That said, the site is within Flood Zone 1, where there is low risk of flooding from rivers. Furthermore, for developments of this scale, it will be down to Building Control to ensure that flood matters are suitably addressed.

4.3.37 It is necessary to consider and address the formal representations received from interested parties which are summarised at the start of this report. As such, the summary of concerns will be listed below with a response in italics:

- The proposal would be facilitated by a footpath diversion which is well used by local residents and requires the formal approval of the County Councils Right of Way Department. *This has been considered in full in this report.*
- The proposal would squeeze two large properties onto the site which are larger than the dwelling allowed at appeal. This would not constitute small infill development, nor would it retain sky gaps and open character as considered by Officers and the Inspector. *This has been considered in full in this report. the proposal is considered acceptable in design/layout in isolation and cumulatively.*
- The notion that this property is a self/custom build is flawed without justification. *The applicant has submitted the application as a self-build project.*
- The original dwelling built out on site currently was approved under Kelshall's Category B status. *Officers agree.*
- This proposal is very different to that which was allowed at appeal and should be sent back to The Planning Inspectorate (PINs) for this reason. *This has been considered in full in this report.*
- The dwelling being built out on site was subsequently amended to be taller, wider and deeper overall with a different design, this proposal is a mirror image of that latest approved dwelling. *This has been considered in full in this report.*
- The appellants justification relied heavily on the plot accommodating a single dwelling, which is no longer the case with this proposal. *The application for a single dwelling was justified by the applicant and considered accordingly at the time. However, the current application must be considered on its merits in the context of the subsequent changes that were made to the dwelling which were considered acceptable by the Council.*
- The dwellings are likely to result in 3 cars each, worsening traffic conditions on this quiet lane with limited passing places. *The Highway Authority do not consider this proposal unacceptable in the context of additional traffic or the narrow lane.*
- Existing utilities and services are inadequate, and this proposal will make this matter worse. *It will be the responsibility of the utilities and services providers to ensure that the existing services are not adversely impacted by the proposal.*
- Increased risk of flooding as a result of this additional dwelling from the pond at the rear of the site and run off onto the highway. *This has been considered in full in this report.*
- The Local Ramblers Group objects to this application due to the assumed diversion of the Kelshall Footpath 007. Mentions a lack of detail about the diverted path but mentions that support could be forthcoming if certain measures are met and adhered to. *This has been considered in full in this report.*
- Concerns that the mature hedgerow fronting The Street will be totally removed as a result of this proposal. *This has been considered in full in this report.*
- The proposal would not support the consideration of infill development in Kelshall under ref: 20/02292/OP which stated "categorisation of Kelshall as a Cat B settlement and this will inevitably invite further applications for housing development as part of a planned approach to increasing housing supply in smaller settlements. The issue is not that more development will be encouraged in the village, rather that it will be delivered in a measured, appropriate and sensitive manner'. *The site is a large plot and is capable of sustaining another dwelling as part of the approach to delivering housing growth in this Category B village.*
- The developer has not followed the plans for construction on the first dwelling. *This matter has been considered by Planning Enforcement Officers.*

- The proposal would diminish the considerable wildlife on the site. *This has been considered in full in this report.*
- The dwellings will detract from the areas rural character. *This has been considered in full in this report.*
- Concerns that when the site was sold, undertakings were given to not build houses on the site, which is not the case here. *This is not a material planning consideration*
- The proposal would continue to disrupt residents due to the construction traffic and processes. *Whilst this is acknowledged, construction impacts are inherently temporary, and this is a matter that will be addressed by the Construction Management Plan.*
- The previous refusal was allowed on appeal because the Council did not represent themselves or their application. *This matter has been fully addressed in this report.*
- Concerns relating to the access and manoeuvrability were made clear to the Council during the last application but were ignored. *The concerns in this respect were acknowledged, but the Highway Authority did not have any objections to the proposal in terms of access or manoeuvrability, such that a refusal on such grounds would have been unreasonable. This was upheld by the Planning Inspector.*
- The proposal would increase the existing sewage issues with overflow into the River Rib. *This is a matter for building regulations and the sewage provider.*
- This is planning creep and should not be approved. *For the reasons set out in this report, Officers consider that the proposal is acceptable in layout and scale. The whole site can comfortably accommodate two dwelling.*
- The proposal is contrary to Local and National Planning Policies, namely Policies SP9, CGB1, D3 and SP2 of the Local Plan. *This matter has been fully addressed in this report.*
- There is some confusion with the phrase 'Built Core' in the context of Kelshall, where one does not exist. *This matter has been fully addressed in this report.*
- Kelshall has seen a disproportionate amount of housing growth which is not in accordance with Policy SP2. Officers do not consider that Kelshall has had a disproportionate amount of housing growth. *Aside from the one house at North End, the new dwelling at Red Brick Cottage, and the approved scheme being built out at the site, the other schemes referred to are either conversion schemes or a 7 dwelling scheme a sizable distance from the village of Kelshall close to the A505 on Deadman's Hill.*
- Concerns that approving this dwelling would set a precedent for future unacceptable development. *This matter has been fully addressed in this report.*

4.4 Conclusion

4.4.1 Overall, it is considered that the proposed development would constitute infilling development that would not extend the built core of this village. The Inspectors decision has made this quite clear due to the sporadic nature of the village and the clusters of built form that make up the villages' built core.

The proposed development is therefore deemed acceptable in principle, in accordance with Policy SP2 and CGB1 of the Local Plan.

4.4.2 Whilst the planning history is relevant and material to this application, and indeed the Inspector's considerations at the time of the initial allowed appeal were correct and accurate at the time, the current application must be considered on its merits in the context of the subsequent changes that were made to the dwelling which were considered acceptable by the Council. On this basis, for the reasons set out in this report, the proposed development is considered acceptable in design, scale and appearance. Furthermore, in isolation and cumulatively with the dwelling being built out, the proposal would not result in unacceptable harm to the character of the area. This is in accordance with Policy D1 and SP9 of the Local Plan and Section 12 of the NPPF.

4.4.3 The proposal is unlikely to result in an unacceptable impact on the reasonable living conditions and well-being of neighbours, in respect of overdominance, loss of privacy through overlooking, and loss of daylight/sunlight. Moreover, the proposal would provide a high standard of amenity for future occupiers. This is in accordance with Policies D1 and D3 of the Local Plan and Section 12 of the NPPF.

4.4.4 The proposed access, highway and parking matters are considered acceptable to Officers and the Highway Authority, subject to conditions covering a construction management plan. The diversion of the public Right of Way has been suitably addressed at this stage and is subject to the formal approval of the County Councils Right of Way Department.

4.4.5 Overall, it is considered that the proposed development is acceptable and in accordance with the relevant local and national planning policies.

4.5 **Alternative Options**

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 The agent is in agreement with the proposed pre-commencement conditions.

4.7 **Climate Change Mitigation Measures**

4.7.1 N/A

5.0 **Recommendation**

5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. No development hereby permitted shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include elements of the CLOCS standards, as set out in the Councils' Highway Authority's Construction Management template. Thereafter, the development shall only be carried out in accordance with the approved CMP. The CMP shall include details of the following:

- a. Access arrangements to the site;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking,

- loading / unloading, and turning areas);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Provision of sufficient on-site parking prior to commencement of construction activities;
- g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- h. Where works cannot be contained wholly within the site, include a plan showing the site layout on the highway including extent of hoarding, pedestrian routes, and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

4. No development hereby permitted shall commence until full details of the landscaping scheme for the areas surrounding the proposed dwelling have been submitted to and approved in writing by the local planning authority. The details of the landscaping scheme shall include the following:
 - a) what new and existing trees, shrubs, hedges, and grassed areas are to be retained/planted, together with the species proposed and the size and density of planting;
 - b) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;
 - c) details of any earthworks proposed.
 - d) a schedule of maintenance for the soft landscaping, including that any planting will be maintained for a period of at least 5 years from the date of planting. The soft landscaping within the approved scheme shall be implemented in the first planting season following the completion of the development, and any hard landscaping, including any means of enclosure within the approved scheme shall be completed prior to the first occupation of the proposed dwelling.

Reason: To ensure a suitable scheme is implemented on the site and in the interests of the finished appearance of the completed development.

5. Before the commencement of any other works on the site, trees and hedgerows to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

6. Before any part of the development hereby permitted is commenced above ground level, details and/or samples of all materials to be used on the external elevations and the roof of the proposed dwelling shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in

accordance with the approved details.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area, in line with Policy D1 of the Local Plan.

7. Prior to the first occupation of the development hereby permitted, the vehicular access shall be completed and thereafter retained as shown on drawing 738 P-01 Proposed Site Plan, in accordance with detailed specifications to be first submitted to and approved in writing by the local planning authority. The details shall also include appropriate arrangements for surface water to be intercepted and disposed of separately, so that it does not discharge from or onto the highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

8. The development hereby permitted shall be carried out wholly in accordance with the programme of measures stated to adhere to guidance, legislation and planning policies, set out in Table 6 of the submitted 'Preliminary Ecological Appraisal by Arbtech' dated April 2022, as conditioned by the Inspector for the immediately adjacent site under planning refs: 22/01229/FP and 24/00065/S73.

Reason: To safeguard any protected species that may be present at the site, as required by the NPPF and in accordance with Policy NE4 of the Local Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any order revoking and re-enacting that Order with or without modification) no development as set out in Class E of Part 1 of Schedule 2 to the Order, including any building, structures and swimming pool, shall be erected other than those expressly authorised by this permission

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

10. Prior to occupation, each new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

11. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



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<u>Location:</u>	Anderson House Florence Street Hitchin Hertfordshire SG5 1RA
<u>Applicant:</u>	Mr Euan Courtney Morgan
<u>Proposal:</u>	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)
<u>Ref. No:</u>	24/02173/FP
<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 09/01/2025

Reason for Referral to Committee: Paragraph 8.4.5 (a) of the Councils constitution
- The site area for this application is greater than 0.5 hectares.

The application has also been called in to Committee by Councillor Ian Albert in the wider public interest.

1.0 **Site History**

- 1.1 1/2088/79: Erection of building comprising 39 elderly persons flats & two warden flats and associated facilities. Deemed permission granted 4th March 1980
- 1.2 1/1314/81: Erection of 47 Category 2 grouped flats with associated parking and facilities as a variation of previously approved scheme. Deemed permission granted 3.11.81
- 1.3 Varied on 1.7.1983 to the provision of 48 flats and associated works.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011 – 2031**

Spatial Strategy and Strategic Policies:

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP3: Employment

Policy SP5: Countryside and Green Belt

Policy SP6: Sustainable transport

Policy SP8: Housing

Policy SP9: Design and sustainability

Policy SP10: Healthy communities

Policy SP11: Natural resources and sustainability

Policy SP12: Green infrastructure, biodiversity and landscape

Development Management Policies:

Policy CGB1: Rural Areas beyond the Green Belt

Policy T1: Assessment of transport matters

Policy T2: Parking

Policy D1: Sustainable design

Policy D3: Protecting living conditions

Policy D4: Air quality

Policy HS2: Affordable housing

Policy HS3: Housing mix

Policy HS4: Supported, sheltered and older persons housing

Policy HS5: Accessible and adaptable housing

Policy NE2: Landscape

Policy NE4: Biodiversity and geological sites

Policy NE7: Reducing flood risk

Policy NE10: Water conservation and wastewater infrastructure

2.2 Supplementary Planning Documents

Design SPD

Vehicle Parking Provision at New Development SPD (2011)

Sustainability SPD (2024)

2.3 National Planning Policy Framework (2023)

Section 2: Achieving sustainable development

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

3.0 Representations

3.1 Site Notice:

Start date: 21st October 2024

Expiry date: 13th November 2024

Press Notice: 24th October – 16th November 2024

3.2 Neighbouring notifications:

At the time of the drafting of this report the Council had received comments both in support of and objecting to the proposed development. (full detail on web site). Comments include the following matters:

Comments raising concerns / objections:

- No objection to provision of good quality well managed supported housing
- Concern / object over scale / size of use and impact on local infrastructure and neighbourhood. Not suitable location
- Adverse impact on a residential area
- Too much strain on local resources
- Better to spread the number of vulnerable people across the district
- Concerns at integration and support
- Concern at anti-social behaviour on site and in local parks
- Concern at re-sale value of property
- Query security arrangements especially at night
- Potential disruption to local residents and the neighbourhood

- Request specific conditions relating to obscure glazing, restricted access and CCTV and capacity limited to 65 residents
- Too much homeless accommodation in the area
- Contrary to Policy SP8
- Permission should not be flexible
- Query the implications if another provider became the operator
- Concern at loss of elderly accommodation
- Fencing too low and requires more height
- Request a condition is attached covering on-going engagement with the community

Comments in support :

- Support on the grounds of need in Hitchin
- Applicant is an experienced operator with a good track record
- Anderson House is suited for the type of accommodation proposed
- Crucial that we provide a safe and supportive space for our most vulnerable community members
- Can explain to children why the community must protect the vulnerable
- Acknowledge concerns about size and issues but a well a managed shelter can help rebuild lives
- A positive step to creating a more compassionate and inclusive community
- Support conditions re privacy and restricted hours of use for outside space should permission be granted

3.3 Consultee responses:

3.4 NHDC Housing Officer: The Council's Strategic Housing Manager has provided detailed comments on this application as follows:

Thank you for your memo of 21 October 2024 in respect of the above application for full planning permission for a change of use from a care home to supported housing hostel accommodation.

A report was presented to North Herts District Council Housing Services Committee in December 1979 for approval to seek planning permission for 39 Category 2 elderly persons housing units and two warden's houses on the site.

The scheme was to be built on land which was part of a Clearance Area and additional land purchased under a Compulsory Purchase Order and the application was granted on 4th March 1980. Another application to build 47 flats was granted on 3rd November 1981. The properties were built in 1985.

The Council transferred their housing stock in March 2003 to North Hertfordshire Homes, now known as settle Housing Group, who continued to use the accommodation as social housing for elderly occupants. As the Council no longer owns any housing of its own, it works in partnership with registered providers (formerly known as housing associations) to help meet the housing needs of the District.

Settle recently advised the flats at Anderson House were provided as flexicare accommodation but have low demand and no longer met required standards for elderly residents in receipt of care. The flats are far smaller than new build flats for this client group, with the dimensions of corridors and rooms no longer compatible for mobility devices, nor the space needed to deliver personal care.

Elderly residents from Anderson House have been decanted over the past few years to homes that met their housing and care needs. We understand that when the building had been completely vacated, it was then occupied by 'live in guardians'. Settle also advised the building required significant investment over coming years and subsequently decided to offer it for sale, agreeing terms with One YMCA.

One YMCA is a Registered Provider and a registered charity; in its planning application, it proposes to convert the existing building from elderly persons accommodation to hostel use for the provision of supported accommodation for single homeless people (and some couples) including rough sleepers. This will include a specialist young service provision for 18–25-year-olds. The aim of the proposed service is to support its residents to lead independent lives, including eventual resettlement into their own accommodation.

The proposals for the hostel include the retention of communal areas including reception area, laundry, kitchen and dining area, staff offices and two lounge areas; one for young adults (18 -25 year olds) and one for adults above 25 years of age.

Counselling spaces will be added to provide support to residents to promote health and wellbeing and training opportunities/activities that will support residents and prepare them for independent living.

The accommodation will comprise a mix of individual one-bedroom flats and shared two-bedroom flats by converting the living room in some flats. Kitchens will be retained in the one-bedroom units, being closed off in the shared double occupancy flats.

The services provided by One YMCA include not only emergency accommodation, but crucially the provision of a "pathway" out of homelessness including support and independent living skills to prevent homelessness recurring. The service will be staffed 24/7 by a number of Specialist Supported Housing Managers/Workers and Complex Needs Specialists in order to provide the right level of support for each resident.

The Council were invited by the Ministry of Housing, Communities and Local Government (MHCLG) to bid for funding provided by its Single Homelessness Accommodation Programme (SHAP) as it was identified that we have a high need for more provision for vulnerable young people (aged 18-25) who are at risk of or are experiencing homelessness or rough sleeping. This bid – submitted in partnership with One YMCA, Helping Herts Homeless and Herts County Council - was successful and part of the proposed hostel provision will deliver 24 units of accommodation and support for this client group.

The Council's bid to the Single Homelessness Accommodation Programme identified a cohort of vulnerable young people, over 75% of whom had multiple support needs. A third (33%) have experienced some form of abuse, just under a third (29%) have a learning disability, a quarter (25%) have a history of offending and nearly a quarter (21%) are care leavers. Almost half of this 18-25 cohort have previously approached the Council for homelessness assistance and 29% have been evicted from arranged accommodation or have been refused accommodation placements due to accommodation not being suitable for support needs and/ or inappropriate behaviour often because of unmet support needs.

The scheme will provide medium-high support in self-contained accommodation in a psychologically informed environment that offers a safe space for young people facing multiple disadvantages and with a range of complex needs.

Wraparound tailored support by onsite staff will be required to support residents along the pathway, including help with accessing and engaging with external specialist support.

Progression along the pathway is important and the scheme will act as a feeder site to other stepdown/move-on units so residents are able to move towards independent living.

The other 62 units will help meet the wider accommodation and support needs of single homeless people, including some couples. The current District provision for this client group is extremely limited. One YMCA currently provides single homeless accommodation services at two sites in the district. The first, at the Sanctuary, Hitchin, accommodates only 4/5 people and the building is in very poor condition. The second, at 20 High Street, Baldock has 18 rooms, however this only has temporary planning permission, until December 2025. Keystage Housing operates a 21-room scheme at the former Lord Lister hotel in Hitchin, however the Council's access to these units is due to end in 2031.

The provision of accommodation-based support services for single homeless people has been long term challenge for the Council, as highlighted in successive Housing Strategies. The current Sanctuary site in Hitchin received planning consent over 10 years ago, however this scheme remained undelivered. Since then, options have been limited by a scarcity of local sites for development. Another planning application for a site in Protea Way, Letchworth received planning permission for a 40-bed hostel in February 2021, however this permission has now lapsed and there is no sign of any appetite to deliver a scheme here.

Existing single young person's provision in the district consists of one scheme of accommodation-based support for 15 residents (aged 18-25 years), comprising of six flats with shared bathrooms and kitchens. The scheme is commissioned by Herts County Council and caters for young people across the county, not just North Herts. A waiting list operates for the scheme, with currently six young people from North Herts on it. Due to the shared facilities and communal nature of the scheme, it is not suitable for young people with complex needs, or those with a serious offending history.

Paragraph 63 of the National Planning Policy Framework says "Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes".

The Council has a statutory duty to secure accommodation for unintentionally homeless households who are in priority need and are legally required to work with people to prevent and relieve homelessness. As the Council no longer owns any housing stock, it is reliant on registered providers to help it meet local housing need.

The Council has a duty to review homelessness in the district and to formulate a homelessness strategy based on the results of that review. The Council's strategy for preventing and managing homelessness is incorporated within the Council's Housing Strategy for 2024-2029 [NHC Housing Strategy 2024-2029 0.pdf](#).

The previous government’s strategy setting out how the government and its partners will end rough sleeping for good was published in September 2022.

The provision of this accommodation would assist in meeting the government’s aim and specifically help the Council to meet one of its key priorities to increase provision of good quality accommodation and support for homeless people facing multiple disadvantages, including people sleeping rough. This includes single homeless people, especially young people who face issues securing decent suitable accommodation providing support.

The 2016 Stevenage and North Hertfordshire Strategic Housing Market Assessment (SHMA) update identified a need for additional accommodation for single homeless people with support needs, people in need due to alcohol misuse and people with mental health problems. The latter two groups being a primary reason for homelessness.

There is a great need in the district for this type of accommodation; the SHMA indicates that the number of vulnerable people is expected to grow over the period of the emerging Local Plan. By 2031 in Stevenage and North Herts there will be approximately 360 (220 North Herts.) single homeless people with support needs, 740 (440 North Herts.) people aged 18-64 in need due to alcohol misuse and a further 470 (290) people aged 18-64 in need due to poor mental health.

In addition, the pandemic revealed a large, previously hidden cohort of single people (and some couples) in the district who are living unstable, often chaotic lives. Many are moving in and out of informal accommodation arrangements including enduring spells of ‘sofa surfing’ with friends or relatives or periods of rough sleeping and without stable housing, the cycles can be repeated over the course of many years.

The following table outlines the Council’s legal duties to homeless households over recent years (the **bold** figures represent the number of single people – and some couples, without children – who approached the Council because they were homeless):

	2019/20	2020/21	2021/22	2022/23	2023/24	Q1&Q2 only 2024/25
Households owed a prevention duty	275	229	194	175	207	98
Households owed a relief duty	219	385	281	241	269	139
of which, single households	170	322	217	168	178	94
Households owed a main	65	90	128	123	131	58

housing duty						
of which, single households	14	33	53	43	43	25

In addition, there is further demand, not reflected in the table above, from households who are not receiving or engaging with support from housing services. For example, each year the Council deals with over 1,000 “advice only” cases in addition to cases where a duty is owed. Many of these cases are people simply seeking advice about their housing situation but others are referrals from other public services (such as job centres, prisons, social services) where it is believed that a household might be homeless or at risk of homelessness. In 2023/24 over 100 single households were referred to the Council for assistance, all of whom were homeless on departure from institutions, of no fixed abode or rough sleeping. Whilst 60% were provided with advice (and did not go on to be owed a duty, including by choice, at that point in time), 40% failed to engage or respond to repeated attempts of contact.

The homeless households that the Council works with are also approaching with increasing support needs, including complex/multiple needs particularly mental and physical ill health and experience of abuse (including domestic abuse). Of the households to whom the Council owed a duty in 2023/24, 63% had one or more support needs – this compares with 51% of households in 2019/20.

Single people in temporary accommodation are amongst some of our most vulnerable clients. Of single people placed into temporary accommodation during 2023/24, two-thirds had two or more support needs. The most common support needs were: mental health problems (56%); physical ill health (42%); drug and/or alcohol dependency (25%); domestic abuse (22%); histories of repeat homelessness and/or rough sleeping (22%); learning disabilities (18%); and offending history (15%).

Almost half had approached from unsettled living arrangements (not including with friends and family) with one-quarter rough sleeping at the time or at some time in the past. 12% were homeless on departure from an institution such as prison or hospital. Since 2021, five single homeless clients whom the Council was working with have sadly died.

The increased demand for homelessness services has resulted in corresponding pressures on the district’s already over-stretched supply of registered provider temporary accommodation. There are waiting lists in place and the Council is reliant on hotel placements to fulfil its legal duties and manage demand levels. Hotel placements are often outside of the district as many local hotels will no longer work with the Council as the needs of our clients exceed the service on offer from commercial hotels; although some outreach support is available, this cannot be effectively delivered in hotel settings.

As demonstrated, there is high housing need in North Hertfordshire for accommodation with comprehensive support for single homeless people and some couples. Due to the long-term instability in the supply of this valuable resource, we would ask that the following planning obligation/condition is considered to ensure that local people retain priority for the service:

All vacancies - in perpetuity - should be offered to the Council only.

In the highly unlikely event there are vacancies in the scheme and there is no demand from local people, the Council will consider appropriate reciprocal arrangements with other local authorities and/or providers in consultation with One YMCA.

3.5 NHDC Planning Policy officer :

Any comments will be reported when available

3.6 NHDC Environmental Health team:

Air Quality – No comment.

Noise – Do not raise any concerns with regard to noise impact. Recommend a Noise Management Plan condition is considered in order to protect the wider community.

Contamination - Advises no objections subject to precautionary land contamination condition

3.7 NHDC Waste Manager:

Recommends a tracking plan for refuse vehicles

3.8 Herts Crime Prevention officer:

Any comments will be reported when available.

3.9 Anglian Water:

Does not offer any specific comments on the application.

3.10 Hertfordshire Highways:

Advises that the Highway Authority raises no objections. Requests a planning condition securing details of the cycle storage facility.

3.11 NHDC Parking Services

Advises that Florence Street is part of a Controlled Parking Zone. The District Council may issue a residents permit or visitors / business permits at its discretion.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 Andersons House is a two-storey brick-built building with associated grounds and car parking located on the east side of Florence Street, Hitchin. The site has a wide frontage onto Florence Street and is a short distance from the junction with Nightingale Road. The building was constructed in the 1980's as purpose built sheltered housing for elderly persons comprising 47 apartments and two small staff houses and included a range of communal areas for residents such as dining and living areas and laundry room together with ancillary accommodation for support staff. The site amounts to 0.52 hectares and includes an existing car parking area with vehicular access onto Florence Street.

- 4.1.2 The application site is located within a primarily residential area with the majority of properties adjoining or adjacent the site being in residential use with one or two exceptions (notably the veterinary practice along Nightingale Road and car repair /MOT garage in Kings Road)
- 4.1.3 Florence Street is designated a Controlled Parking Zone (Zone F) which restricts on-street car parking to those with a residents permit and visitors for short periods. The CPZ operates Monday to Friday between 8am and 6pm.
- 4.1.4 Until recently Andersons House has been occupied by Live-in Guardians providing temporary accommodation for approximately 65 people. That use has now ceased and the property is vacant.

4.2 Proposal

- 4.2.1 The applicant, One YMCA, a registered Housing Association, seeks permission for the conversion of Andersons House from its authorised use as sheltered housing (Class C2) to hostel use to accommodate a maximum of 86 people (*Sui generis*). A *Sui Generis* use is a type of use that does not fit within any of the established use classes contained within the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 4.2.2 The development will provide supported hostel accommodation for young people (18 – 25) and adults who are homeless. The conversion work will provide the following accommodation:
- Ground Floor: 4 x 1 bed units and 17 x 2 bed units = 38 individuals
 - First Floor: 10 x 1 bed units and 15 x 2 bed units = 40 individuals
 - Attached houses: 2 x 4 bed houses = 8 individuals
- A scheme will therefore comprise a total of **48** temporary residential units of accommodation.
- 4.2.3 There will be limited external changes to the building. The main vehicular access will remain as existing from Florence Street and the car park increased by 3 spaces to 22 in total. An enclosed refuse store will be located within the car park and a flat roofed single storey storage building will be located within the centre of the site enclosed by existing development.
- 4.2.4 At the southern end of the site, facing properties in Nightingale Road, the proposal is to obscure glaze all first floor windows on the nearest elevations of the building to those properties. In this location windows will also have restricted opening mechanisms.
- 4.2.5 The proposals indicate two amenity areas for residents separating young adults from adults and these areas will be secured with fencing. The area along the southern boundary will not be accessible to residents being reserved for emergency access only.
- 4.2.6 The application is accompanied by the following supporting documents:
- Planning Design and Access statement
 - Flood Risk Assessment
 - One YMCA Statement of Need and Management

4.3.1 The key issues for consideration are as follows:

- Principle of the use
- The need for homeless accommodation
- Design, layout and landscaping (including amenity space)
- Intensity of use and Living conditions
- Management and issues regarding crime and anti-social behaviour
- Highways/ parking / waste management
- Environmental matters (Flooding, contamination, biodiversity etc)
- Planning obligations
- Planning balance

4.3.2 Principle of the use

4.3.3 The application site is located within the built-up area of Hitchin – a key settlement within North Hertfordshire. Policy SP1 of the Local Plan supports the principles of sustainable development within the district and maintaining the role of key settlements as the main focus for housing and employment making use of previously developed land where possible. Policy SP2 identifies the main settlements as areas to provide the majority of the districts' housing, employment retail and other development. The proposed development would be consistent with the aims of these policies in providing a form of housing in an accessible location within the town. Furthermore, the proposed use would continue a residential use of an existing building requiring minimal physical changes and less resources to facilitate the use than a purpose built scheme. The use would also create additional employment through staff required on site and visiting professionals providing a range of services as well as other employment in servicing the use.

4.3.4 Policy HS4 of the Local Plan supports the provision of supported, sheltered and older persons housing in use classes C2 (Residential institutions) and C3 (Dwellinghouses) provided they are in accessible locations, close to other facilities with appropriate landscaping, amenity space and car parking. The policy does not include any reference to protecting against the loss of existing accommodation or requiring its re-provision should such accommodation be lost through a new use or redevelopment. In this case the previous Class C2 sheltered elderly persons accommodation operated by Settle has ceased due to a lack of demand for the units together with the cost of required upgrading, rendering the C2 use economically unviable. The premises has been occupied by guardians on a temporary basis. There would however be no conflict with Policy HS4 should planning permission be granted for another use.

4.3.5 Paragraph 60 of the National Planning Policy Framework reiterates the Government's objective of boosting the supply of housing including the requirement to ensure that the needs of groups with specific housing requirements are addressed. Paragraph 74 encourages the provision of housing development in locations such as larger settlements which are supported by the necessary infrastructure and facilities including a choice of transport modes. The proposed development would be consistent with the general thrust of this advice in the NPPF to locate development in accessible locations well served by public transport and other services.

4.3.6 Paragraph 124 of the NPPF encourages development on brownfield land to bring back into use underutilised buildings. It says that planning policies and decisions should:

settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)

The proposed development would be in step with the above requirements in bringing back into use a building on a brownfield site that would assist in meeting the housing needs of the district.

- 4.3.7 A number of residents have queried the applicants' statement (see paragraph 3.5 in Planning Statement) requiring 'maximum flexibility to respond to local housing needs' by requesting permission for a sui generis hostel use. The current authorised use of the premises falls within Class C2 (Use for the provision of residential accommodation and care to people in need of care). The Town and Country Planning (Use Classes Order) 1987 defines care as follows:

"care" means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment;

The applicant could therefore operate the homeless accommodation under the authorised C2 use but this would not include those residents who do not need 'care' in terms of past or present dependence on alcohol or drugs or past or present mental disorder and the care of children. Therefore, to provide 'maximum flexibility' the applicant is seeking a change of use to sui generis, which would enable One YMCA to occupy the property as a hostel, as opposed to occupying it as a care home where only alcohol or drug dependent individuals could live. The applicants have stated that this flexibility will provide a more mixed and balanced community with people at different stages of the Pathway to Independence.

- 4.3.8 Taking into account the above matters, including the sustainable location of the premises and the authorised use of the premises comprising 48 units of accommodation, it is considered that in both planning policy and land use terms the proposed development is considered acceptable in principle.

4.3.9 The need for homeless accommodation

- 4.3.10 The applicant has set out the case for the need for the accommodation in the submitted Planning statement and 'Statement of Need and Management' document. The applicant advises that currently within North Herts there are some 475 households requiring accommodation of which 220 are single person applicants. The report explains that demand exceeds supply and that hotel accommodation is not appropriate as it does not provide the support that individuals need to work towards independent living. The report acknowledges that permission has been granted to replace the nearby Sanctuary hostel on Nightingale Road with a new facility to accommodate 23 people but this scheme is under review given the advantages of the Andersons House proposal to provide a significantly larger number of homeless people together with better amenity space and other facilities.

- 4.3.11 The Council's Strategic Housing Manager has explained how a significant need for more provision for vulnerable young people (aged 18 – 25) in the district led to an invitation from Central Government for North Herts to apply for funding through its Single Homelessness Accommodation Programme (SHAP). This bid was successful and will provide funding to deliver 24 homeless accommodation units and support for this client group.
- 4.3.12 The Housing team also refer to the extremely limited provision in the district for other single homeless people (including couples) beyond the 18 – 25 young adult group with the current facilities either in substandard accommodation, temporary or with limited future access by North Herts as housing provider. The lack of provision together with increasing demand for homelessness services demonstrates a high need in the district for accommodation with comprehensive support for single homeless people and couples. It is clear, on the evidence provided by the Council's Housing Manager, that there are currently considerable demands on the Local Authority in its statutory role as provider of temporary housing accommodation for those in housing need.
- 4.3.13 Both the applicant and the Council's Housing Department have made submissions, supported by data, that demonstrates there is an increasingly urgent local need for this type of accommodation. The lack of this provision locally has been compounded by schemes within North Hertfordshire that have or were granted planning permission not being deliverable with rising costs and consequent economic viability being key factors. The application proposals present an opportunity for at least some of this local housing need to be met within an existing building with on-site parking and amenity space located in a sustainable location.
- 4.3.14 The weight that can be attributed to this housing need is set out in the planning balance below.
- 4.3.15 Design, layout and landscaping
- 4.3.16 Policy SP9 of the Local Plan states that development will be supported where it is well designed and located and responds positively to its local context. As mentioned above there are few external changes to the building. The proposed single storey storage building will replace a covered cycle rack but will not be visible from outside of the site. The alterations to the car park to create 3 additional spaces will remove some landscaping but this will be a minimal loss given the significant landscaping across the site. The proposed refuse storage area will be partly screened by remaining landscaping and sited alongside a high boundary wall.
- 4.3.17 Some additional security fencing is proposed particularly along the southern boundary both to contain the amenity areas and provide some separation from adjacent residents gardens however this fencing would be mainly screened by existing landscaping and other fencing and will not be easily seen from Florence Street.
- 4.3.18 Internally there will be some partitioning of rooms and re-designation of spaces. These alterations are required to provide the required size of units to meet operational needs and accommodation for support staff and to separate the young adults from other prospective residents as part of the management strategy for the hostel.
- 4.3.19 The site has extensive and well landscaped outdoor space and these areas will include separate amenity areas for the young adults and other residents. Amended plans indicate the retention and protection of the existing wildlife pond and the retention of boundary planting. This will ensure that the external appearance of the site is

maintained in the interests of visual amenity as well as to achieve some biodiversity net gain in accordance with Policy NE4 of the Local Plan.

4.3.20 Intensity of use and living conditions

- 4.3.21 A number of people have suggested that the provision of accommodation for up to 86 people is too many for the site. The density of accommodation proposed however is far less than that approved in July 2024 for the redevelopment scheme at the Sanctuary hostel site at the junction of Grove Road and Nightingale Road (23 residents on 0.025 hectares as opposed to 86 residents on 0.56 hectares in this proposal). The proposed residential density at Andersons House would equate to 85 dwellings per hectare which is similar to many residential schemes comprising flats in the main urban settlements of North Herts. Moreover, there is no actual increase in the number of units as the authorised use of the site is for 48 elderly person units – the same number in units as the proposed use which would comprise 21 one bed units, 25 two bed units and 2 four bed units of accommodation (= 48 accommodation units overall). There is no increase in floorspace (other than the replacement of a cycle store for a storage building) and the site includes comparatively generous outdoor amenity space for this built up location. In addition, the development meets the parking standard for a residential institution as set out in the Council's Parking Standards SPD document.
- 4.3.22 In terms of the frequency of activity in and around the site, volume of visitors and residents, deliveries and vehicular movements, in my view the proposed use would be broadly similar to the authorised use as sheltered accommodation or if the building were to be converted into market and/ or affordable housing under Class C3. The level of parking is only marginally increased but it is likely that car ownership amongst residents will be extremely limited.
- 4.3.23 In terms of noise issues the building already has comprehensive double glazing but more importantly the applicant operates a system of management that monitors and controls any behavioural issues that might lead to noise disturbance (see management section below).
- 4.3.24 The accommodation will provide kitchen and bathrooms for each unit plus one or two bedrooms. Some units will also have living rooms. A communal dining room and two separate living rooms (one for each cohort group) will be provided and both groups will have access to large outdoor amenity areas. A laundry and cleaning room is proposed together with a counselling room.
- 4.3.25 The prevailing land use around Andersons House is residential and there are limited, if any, noise sources that would adversely affect the continued residential use of the building albeit on a temporary basis for the tenants
- 4.3.26 The Council's Environmental Health team have not raised any objections on the grounds of unsuitable living conditions for the proposed residents or environmental disturbance however a noise management condition is recommended.
- 4.3.27 Overall, it is considered that the facilities proposed would provide acceptable temporary living conditions for the proposed residents.
- 4.3.28 In terms of the impact on living conditions of existing residents there will be little physical impact given that the proposal is mostly limited to internal re-fitting works. One of the main concerns raised by existing residents is noise and anti-social behaviour and these are discussed in the following chapter below.

- 4.3.29 The amended plans show that on the southern elevation where there are windows close to the boundary with Nightingale Road properties, all first floor windows will be glazed in obscure glass with restricted opening mechanisms on all windows. A buffer strip along the southern boundary is also proposed reserved only for emergence access. A comprehensive CCTV system will be installed including externally mounted cameras. With these measures in place it is considered that the amenity of existing residents will be protected in accordance with Policy D3 of the Local Plan. .
- 4.3.30 Management of the site and issues regarding crime and anti-social behaviour
- 4.3.31 Policy D1 of the Local Plan states that, *inter alia*, development should include measures which design-out opportunities for crime and anti-social behaviour through physical and management measures to minimise the risk of crime. It advises that development should be built to the Police preferred minimum security standard of Secured by Design SBD Part 2. In this regard the Council has consulted Hertfordshire Police Crime Prevention Officer who have provided a detailed response (see above) with various recommendations.
- 4.3.32 Paragraph 135 of the NPPF states that planning policies and decisions should :
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*
- 4.3.33 The application is supported by a 'One YMCA Statement of Need and Management' document. It states that in terms of management Andersons House will be staffed by a number of specialist housing managers/workers and complex needs specialists with two overnight concierge supervisors and housekeeping team. Staff on site will in turn be supported by One YMCA's Head office team responsible for a range of operational matters including health and safety and maintenance. Operational scrutiny will be overseen by several Committees within the One YMCA structure.
- 4.3.34 In terms of security Andersons House will have two secure points of entry and a staffed reception providing 24 hour/365 days per year concierge service. A comprehensive CCTV system will be installed both within the building and externally (see CCTV layout plans). The applicant company will liaise with local police and work with the local community to reduce crime and improve security for the residents.
- 4.3.35 The management statement also refers to strategies for dealing with housekeeping matters, health and safety and maintenance and its experience in servicing around 800 units of accommodation across Hertfordshire, Bedfordshire and Buckinghamshire.
- 4.3.36 In terms of managing noise and anti-social behaviour, the management document advises that the applicant company has the experience and established procedures in place to manage residents who have experienced trauma to help them with the skills necessary to work toward independence. Residents will be required to sign a tenancy/licence agreement setting out the site rules and responsibilities of each tenant and tenants may ultimately face eviction if in breach of the terms of such agreement. The company operates a monitoring system to manage noise and matters arising from behavioural issues.
- 4.3.37 The applicants have confirmed that the facility will be permanently staffed 24/7 and all year round with at least two members of staff on duty day and night. Specialist support staff and project workers will be on site during the day. A telephone number will be available to any local resident who wishes to raise concern during the day or night. The

applicant reiterates that the property provides a significant amount of internal and external amenity space. Individuals staying at the supported hostel will have access to two large lounge areas and outside space in two dedicated garden areas. The applicants state that with the facilities provided, the potential for the spill out of residents into nearby parks and roads is less likely given the extent of amenity space within the property. The on-site facilities will enable residents to remain at the property unlike the recent practice at the Sanctuary hostel in Nightingale Road where, because of the sub-standard of accommodation and general lack of facilities, residents have previously had to vacate the property for certain hours during the day.

4.3.38 With regard to the garden areas / outside space, amended plans have been received proposing amendments to the security fencing which would provide a buffer corridor along the boundary with properties backing onto the site in Nightingale Road serving as an emergency access route only. No on-site residents will be permitted access to this area. In terms of noise and behavioural issues within the garden areas the applicant's submitted Management plan indicates One YMCA's process and protocols in order to ensure that the property is well managed. The applicant refers to established examples of their management system in practice at sites of a similar, if not larger scale at its properties in Welwyn Garden City (100 bed spaces), Charter House in Watford (220 bed spaces) and High Wycombe (140 bed spaces).

4.3.39 A condition is recommended requiring the development to be carried out in accordance with the submitted 'Statement of Need and Management' in the interests of the amenity of local residents and the amenity of the locality in general and to comply with the requirements of Policy D1 and D3 of the Local Plan.

4.3.40 Highways, parking and waste management issues

4.3.41 Vehicular access to the site will remain as existing from Florence Street with direct access into the existing car park. Three additional parking spaces are proposed involving some alterations to the layout to facilitate the extra spaces and a refuse and recycling store and covered cycle store. The provision of 22 parking spaces overall would be in accordance with the Council's Supplementary Planning Document regarding parking at new development.

4.3.42 Refuse and recycling will be undertaken by a private contractor. The applicant has submitted a Waste Collection Strategy document which includes the provision of a waste collection point within 10 metres pull distance to the highway and a tracking plan to demonstrate that waste can be collected from the site without leading to congestion in Florence Street.

4.3.43 Hertfordshire Highways as highway authority raise no objections to the access arrangements.

4.3.44 The consultation with local residents has raised a concern that the use could lead to further congestion in Florence Street where there is already high demand for on-street parking. Firstly, with regard to this issue it should be noted that the development provides sufficient parking on site to meet its needs and in this regard it complies with the Council's current parking standards for this type of residential institutional use. Secondly, Florence Street is within the Controlled Parking Zone (CPZ) so there are already parking controls in force for the benefit of local residents. Hostel tenants could apply for parking permits however the Council's Parking Services team have absolute discretion over this and the fact that the site has its own car park will be a determining factor. Historically permits have never been issued by North Herts Council to Andersons House residents. Lastly, **Page 39** experience and anecdotal evidence suggests that the majority of residents will be unlikely to own and /or have access to cars.

Furthermore, the sustainable location and availability of public transport together with on-site cycle storage is highly likely to deter car ownership amongst residents at the site. The Highway Authority have concluded that the proposal is not likely to have any significant impact on highway safety or operation. Therefore, it is considered that the proposal would comply with Local Plan Policies T1 and T2 relating to transport matters and parking.

4.3.45 Environmental matters

4.3.46 The site falls within Flood Zone 1 of the Environment Agency's flood map and is not at risk of fluvial flooding. It is in a location susceptible to surface water flooding however the proposal is for change of use with virtually no increase in floorspace or loss of existing soft landscaping. The development proposes a very low risk of surface water flooding and no mitigation is required in this case.

4.3.47 The application is exempt from the need to demonstrate a 10% increase in biodiversity net gain under the Environment Act 2021. However, Policy NE1 of the Local Plan does require all developments to deliver measurable net gains for biodiversity. In this regard the applicant has submitted amended plans showing the retention and securing of the existing wildlife pond within the site which is currently not protected and in a neglected condition. This measure together with likely new planting around the site will ensure compliance with Policy NE4.

4.3.48 As no significant new intrusive ground works are proposed and given the previous use of the site for residential use there are no concerns with regard to ground contamination. A precautionary condition is proposed in the event that any contamination is found during refurbishment works.

4.3.49 Planning Obligations / Conditions

4.3.50 There would not be an increase in the number of accommodation units at the site which would remain at 48 units as per the previous use. The Highway Authority have not requested any sustainable transport contribution because of the nature of the use and the sustainable location and no offsite works are required to make the use acceptable in transport terms. Given the limited impact on local infrastructure overall no formal Section 106 Agreement would be required with this particular development.

4.3.51 It is noted from the response of the Housing Manager that a planning condition is sought to ensure that rooms within the facility are subject to nomination via the Council's Housing team, in perpetuity. This request is to ensure that the development meets the identified local housing need. The applicant has raised a concern with a planning condition that restricts occupancy to those residents with a local connection and has offered an alternative nominations agreement / condition which reflects similar partnership working agreed between the applicant and other local authorities. Negotiations are on-going on this issue and it likely that an updated position will be reported to the Committee prior to the application being determined.

4.3.52 Planning balance and conclusion

4.3.53 The Framework requires all new development to achieve the three strands of sustainable development. In terms of the economic objective the development will provide employment both directly on site and indirectly through services being provided by third parties such as welfare workers and servicing and maintenance contractors. The benefit to the local economy will also be enhanced by additional spending on local goods and services. In terms of the social objective there will be a clear benefit in the provision of temporary housing helping to meet the needs of the community with the

associated benefits to health and wellbeing. In terms of the environmental benefit the development will make effective use of land, utilising an existing building and minimising waste and the use of resources. It will also encourage the use of sustainable transport and there is potential to increase biodiversity through the maintenance and enhancement of the landscaping on site. The development meets all three objectives and is in accordance with the development plan. Section 2 of the Framework applies the presumption in favour of sustainable development and advises that in such circumstances development should be approved without delay.

- 4.3.54 It is acknowledged that the local community has some concerns over the scale and intensity of the development and potential for crime and anti-social behaviour. The applicant has demonstrated that management measures will be imposed that will mitigate the impact of the development in respect of these issues. A number of planning conditions are recommended to control and monitor the use. However, these concerns are important particularly in ensuring community cohesion and the integration of the development with the surroundings and therefore are assessed as having significant weight in the planning balance.
- 4.3.55 The Highway Authority have raised no concerns with regard to the proposed development and there are no identified harms that have been raised in connection with environmental issues such as flooding, contamination or biodiversity.
- 4.3.56 The case of need provided by both the applicant and the Council's Strategic Housing Manager is based on considerable empirical evidence and this, in addition to the support provided by Central Government through SHAP funding, points to a compelling case in favour of the development. Against a background of increasing homelessness and shortage of suitable accommodation this matter is assessed as having substantial weight in favour of the proposal and on balance outweighs the harms that have been identified.
- 4.3.57 The development is supported in principle by many members of the public. There are justifiable concerns over the fear of crime and anti-social behaviour arising from the use however the applicant company has demonstrated how these issues can be addressed through its tenancy/licence arrangements, its well established management regime and support through its company structure involving review scrutiny and review boards in addition to its experience in operating similar facilities across Hertfordshire and other counties. The District Council in its role as the strategic housing authority responsible for homelessness will have some partnership role in the nomination of tenants and an enforceable planning condition is recommended requiring the use to be carried out in accordance with the 'Statement of Need and Management' statement submitted with the application. In addition to the responsibilities of the Council in monitoring and controlling the impact of the use through its housing team and planning enforcement, its environmental health team and parking services department there are other agencies acting under separate legislation, such as the Police, Community Support officers and Hertfordshire County Council, that also have a role in monitoring the use and taking appropriate action, including enforcement, where necessary. As identified above in the planning balance the benefit of the scheme in meeting an increasingly critical housing need provides a convincing case in favour of the development.

In conclusion it is considered that the proposed use is acceptable in planning terms being compliant with local planning policies and the National Planning Policy Framework which promotes sustainable development and healthy, inclusive and safe places for all members of the community.

See discussion of case merits above

5.0 **Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The development hereby permitted shall be operated at all time in accordance with the submitted 'One YMCA Statement of Need and Management' unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the use is managed effectively in the interests of the amenity and safety of both the occupiers of the development and the occupiers of property within the vicinity of the site. To comply with Policy D1 and D3 of the North Herts Local Plan.

4. Prior to the commencement of the use hereby permitted details of a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the use is managed effectively in the interests of the amenity and safety of both the occupiers of the development and the occupiers of property within the vicinity of the site. To comply with Policy D1 and D3 of the North Herts Local Plan.

5. Prior to the commencement of the use hereby permitted the car parking facilities shown on the approved plan shall be marked out and made available and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the need of the development and to comply with Policy T2 of the North Hertfordshire Local Plan 2011 to 2031.

6. Prior to the installation of any external lighting and prior to the first occupation of the development hereby permitted, details of all external lighting required in association with the development scheme shall be submitted to and approved in writing by the Local Planning Authority. Such lighting shall thereafter be installed in accordance with the approved details or particulars and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure all external lighting is installed in the interests of maintaining community safety and amenity.

To comply with Policy D1 and D3 of the Local Plan

7. The proposed on-site facilities for waste storage and collection (including waste for recycling) as shown on the approved plans shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity. To comply with Policy D1 of the Local Plan.

8. Prior to occupation, the proposed development shall incorporate 2 Electric Vehicle (EV) ready domestic charging points.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality and to comply with Policy D4 of the North Hertfordshire Local Plan 2011 to 2031.

9. All first floor windows nearest to the southern boundary of the site shall be obscured glazed and fitted with restricted opening mechanisms as demonstrated on the submitted plans. Such measures shall be retained and maintained for the lifespan of the proposed use to the satisfaction of the Local Planning Authority.

Reason: In the interest of maintaining the privacy and amenity of adjacent residents. To comply with Policy D1 of the North Herts Local Plan.

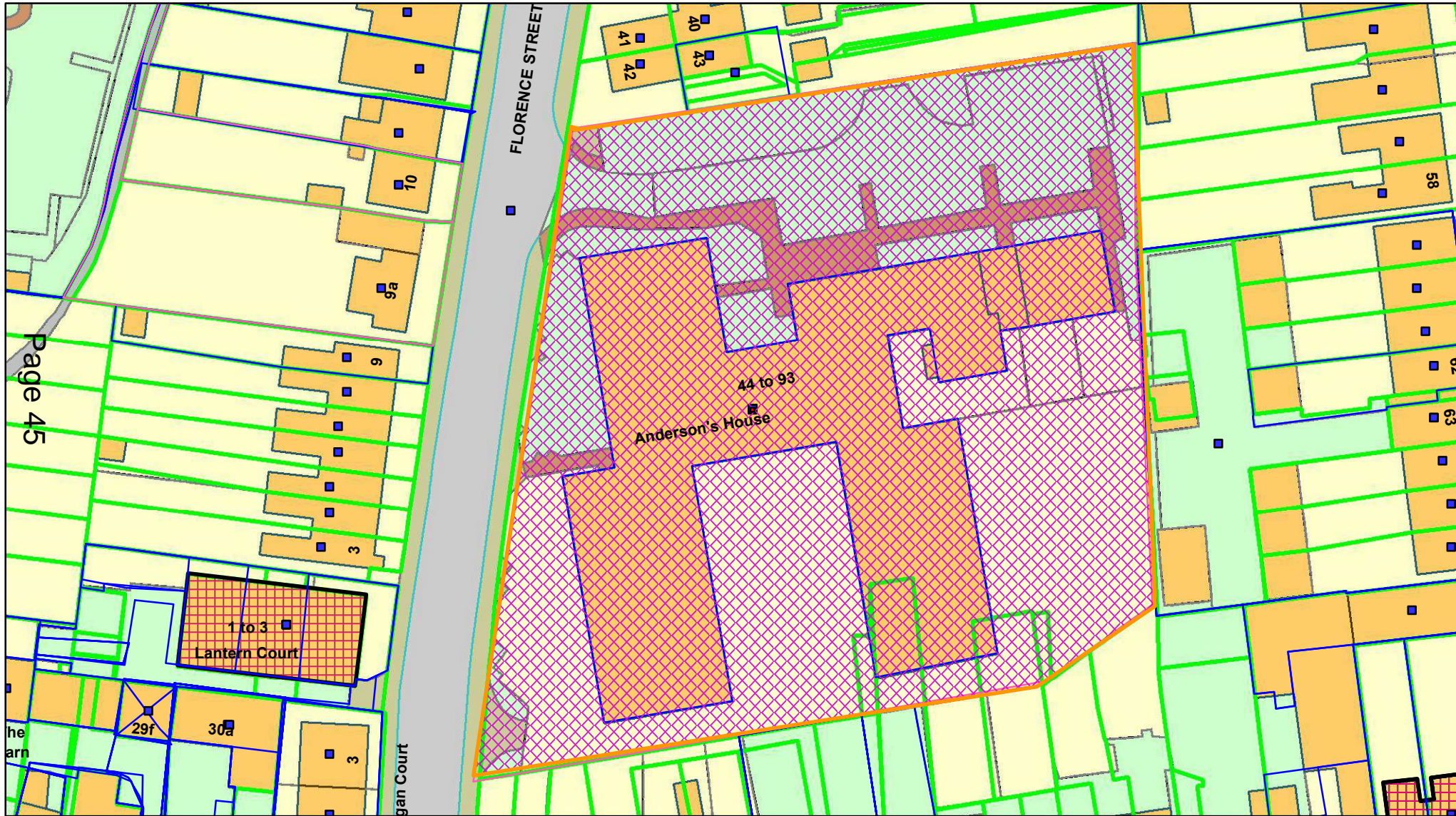
10. All security measures including the operation of CCTV, the provision of palisade fencing and locking mechanisms to access gates shall be installed and fully operational prior to the commencement of the use hereby permitted.

Reason: To accord with the terms of the submitted application and to ensure the facility is managed appropriately in the interests of amenity and security of the premises. To comply with Policies D1 and D3 of the North Herts Local Plan.

11. Prior to the commencement of the use hereby approved full details of the cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.



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PLANNING CONTROL COMMITTEE

DATE: 3 December 2024

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mrs Mei Ling Foo	Erection of one self-contained 1- bed following demolition of existing garage.	59 Kings Hedges Hitchin Hertfordshire SG5 2QH	24/00472/FP	Appeal Dismissed on 19 November 2024	Delegated	The Inspector concluded that the proposal would have an unacceptable effect on the character and appearance of the area. This is contrary to the provisions of Policies SP9 (Design and Sustainability) and D1 (Sustainable Design) of the North Hertfordshire Local Plan 2011-2031.

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Appeal Decision

Site visit made on 21 October 2024

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 November 2024

Appeal Ref: APP/X1925/W/24/3344662

59 Kings Hedges, Hitchin, Herts SG5 2QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Mei Ling against the decision of North Hertfordshire District Council.
 - The application Ref 24/00472/FP, dated 6 March 2024, was refused by notice dated 22 April 2024.
 - The development proposed is a one bedroom house.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed new dwelling on the character and appearance of the area.

Reasons

3. No 59 Kings Hedges is a detached, 2 storey house located adjacent to the junction of Kings Hedges and Moss Way. The house faces onto Kings Hedges but the plot has a frontage onto Moss Way and a garage with access to it. The proposal is to demolish the existing garage and to construct a 2 storey dwelling.
4. The junction of Kings Hedges with Moss Way has a spacious feeling which derives from the wide verges and the setting back of the domestic fences and buildings. This complements the significant area of open land on the opposite side of Moss Way. The existing low, single storey garages of the appeal property and the neighbouring dwelling do not impinge on the sense of openness here.
5. The proposed 2 storey house would be sited close to the boundary of the site, close to where the angled pavement passes in front of the site. I consider that the proposal would create a cramped appearance where the new 2 storey building would significantly erode the sense of spaciousness that currently exists here. In this way I consider that the proposal would have an unacceptable negative effect on the character and appearance of the area.

6. The unacceptable visual effects would be heightened by the rather awkward siting at an angle to the other house as well as the stark south elevation which would be devoid of any openings.
7. The appellant indicates that the proposal would be provided with sufficient space to meet minimum space standards, although it is not clear what standards are being referred to. In my determination, I consider that insufficient space would be provided around the building to prevent it having an unacceptable effect on the locality. Additionally, the appellant indicates that the area contains a variety of house styles, including detached, semi-detached and terraced houses, some being converted to flats. In my view the presence of these does not make the proposal acceptable.

Conclusion

8. For the reasons set out above, the proposal would have an unacceptable effect on the character and appearance of the area. This is contrary to the provisions of Policies SP9 and D1 of the North Hertfordshire Local Plan 2011-2031. I find that there are no matters which are sufficient to outweigh that conflict. As a result, the appeal is dismissed.

T Wood

INSPECTOR