

**ITEM NO:**

Location: Land at Corner of Protea Way And  
Pixmore Avenue  
Letchworth Garden City  
Hertfordshire

Applicant: C/O Agent

Proposal: Erection of homeless shelter to provide 40 bedspaces including creation of vehicular access off Pixmore Avenue, parking, landscaping and associated works (as amended by plans received 12th January 2021).

Ref. No: 20/01886/FP

Officer: Naomi Reynard

**Date of expiry of statutory period :** 23.11.2020

**Reason for Referral to Committee**

This application has been referred to Committee under officer discretion.

**1.0 Relevant History**

- 1.1 94/00430/1 – New boundary fencing and temporary hoarding – Conditional permission
- 1.2 01/01239/1 – Demolition of part of building to create parking area for 19 cars, together with alterations and extension to remaining rear section, preparatory to use for warehouse purposes (as amended by plans 13501S/1 and CHQ 01.4759-02 dated 7th September 2001) – Withdrawn in 2002
- 1.3 02/01715/1 - Erection of replacement building for Class B8 purposes (1,370 square metres) with ancillary Class B2 floorspace (190 square metres), 19 car spaces, lorry turning facility and new crossover following demolition of existing building. – Granted conditional permission 16th April 2003
- 1.4 06/01562/1 - Erection of two storey (B1) office building, associated car parking and ancillary works.(as amended by plans received 11th October 2006). – 31st October 2006

- 1.5 19/01433/PRE - Erection of homeless shelter – Pre-application advice given October 2019. The following conclusion was reached in this advice:

***“In summary, the proposal does not comply with development plan policies in relation to employment areas and as such there is an objection in principle on pure planning policy grounds. However, in my informal opinion there are material considerations that indicate that a decision could be taken, that is not in accordance with the development plan. As such there may well be a convincing case to justify the release of the land for the proposed homeless shelter. As you are aware any application would need be accompanied by evidence of lack of market demand for the site for its current allocated use; demand for the type of accommodation sought; detail of any sequential ‘site-search’ exercise and provisions of national policy. The information provided with this pre-application enquiry is most helpful and I would suggest it is added to and updated with the further information as set out above to support an application. In my view the proposal may well meet the overarching objectives of sustainable development in the NPPF. Whilst the economic objective would be limited as it would involve a loss of employment land there would be some economic benefits as there would be staff employed on site and the centre would help provide a stepping stone to employment as well as permanent accommodation. In my view the proposal would meet the NPPF’s social objectives (provision for homeless within North Herts) and environmental objectives (redevelopment of a derelict area of land).”***

## 2.0 Policies

### 2.1 North Hertfordshire District Local Plan No. 2 - with Alterations 1996 (Saved Policies):

Policy 8 - Development in towns  
Policy 26 – Housing Proposals  
Policy 36 – Employment provision  
Policy 37 - Business Uses  
Policy 55 – Car Parking Standards  
Policy 57 – Residential Guidelines and Standards  
Policy 58 – Letchworth Garden City Design Principles

### 2.2 National Planning Policy Framework (NPPF):

Section 5: Delivering a sufficient supply of homes  
Section 6: Building a strong, competitive economy  
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 15: Conserving and enhancing the natural environment  
Section 16: Conserving and enhancing the historic environment

## 2.3 North Hertfordshire District Submission Local Plan (2011-2031):

SP1: Sustainable development in North Hertfordshire  
SP2: Settlement Hierarchy and Spatial Distribution  
SP3: Employment  
SP6: Sustainable Transport  
SP8: Housing  
SP9: Design and sustainability  
SP11: Natural resources and sustainability  
SP13: Historic Environment

ETC1: Appropriate uses in Employment Areas  
T1: Assessment of transport matters  
T2: Parking  
HS2: Affordable housing  
HS3: Housing mix  
HS4: Supported, sheltered and older persons housing  
HS5: Accessible and Adaptable Housing  
D1: Sustainable design  
D3: Protecting living conditions  
D4: Air quality  
NE5: New and improved public open space and biodiversity  
NE8: Sustainable drainage systems  
NE10: Water Framework Directive and Wastewater Infrastructure  
NE11: Contaminated land  
HE1: Designated heritage assets

## 2.4 Supplementary Planning Documents

Vehicle Parking Provision at New Developments  
Design  
Planning Obligations

## 3.0 Representations

- 3.1 **Local Lead Flood Authority** – Recommended refusal initially and following submission of further information recommended condition that no development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval.
- 3.2 **Environmental Protection (Contaminated Land)** – Raised no objection and recommended the land contamination set out below.
- 3.3 **Environmental Protection (Air quality)** – Recommended an EV Recharging Infrastructure condition.

- 3.4 **Environmental Health (Noise and other nuisances)** – Confirmed that the noise report is satisfactory and may be approved. Recommended condition requiring that the noise mitigation measures are implemented and maintained in accordance with the approved details thereafter. Recommended informatives in relation to the construction phase. With regard to housing standards raised no objections to the proposed development. However, development shall need to comply with current housing standards for hostel developments.
- 3.5 **Environmental Health (Housing)** – Provided detailed comments with regards to housing standards.
- 3.6 **Environment Agency** – No comments received.
- 3.7 **Anglian Water** – Recommended informatives regarding assets affected and used water network.
- 3.8 **Hertfordshire Ecology** – Recommended conditions requiring that the recommendations for survey and mitigation works as set out in the Biodiversity Report submitted with the application shall be carried out and that a Biodiversity Gain Plan shall be prepared.
- 3.9 **Planning Policy Officer** - Provided detailed comments and reached the following conclusion:

***“Since pre-application stage, the applicant has provided further background information. Subject to the provision of further evidence as required by emerging Policy ETC1 and the exception criteria in paragraph 5.7 as set out above, there would be no objection in principle to the development. Further clarification/amendments are additionally required in relation to car and cycle parking provision.***

***Given the nature of the proposed use, design matters relating to crime and antisocial behaviour, access and amenity and living conditions need to be carefully considered. Mitigation measures should be put in place where deemed necessary by the case officer so that the relevant planning policies outlined above can be met. This is so that any resulting scheme creates a positive living and working environment for those in neighbouring areas as well as for future clients using the shelter.***

***Without question there is a stark demand for a homeless shelter of this type in North Hertfordshire. This demand is juxtaposed against current demand for employment land, which is heavily influenced by a range of factors including the Covid-19 pandemic, Brexit and general employment land trends. It will be for the case officer to balance the relevant factors in this morphing social and economic context.”***

Further information was received, and she was re-consulted and provided further advice, which is discussed within the key issues section below.

- 3.10 **Urban Design and Landscape Officer** – Provided detailed comments discussed below. No objections. In view of the importance of landscape to this scheme requested details of a planting scheme for the site, together with hard surfacing materials proposed and any lighting features prior to determination of the application.
- 3.11 **Herts County Council Highways** – Initially recommended that planning permission be refused as HCC considered that the proposed waste collection arrangements are contrary to National Planning Policy Framework and Manual for Streets, the carry distance for waste collection bins is beyond the recognised distance for the development for kerbside collection which would lead to a large vehicle obstructing the public highway for a long period of time, as a consequence the road layout would not be fit for purpose. The proposed development would therefore be detrimental to highway safety and amenity. Following discussion amended plans were received and the Highways Authority withdrew their objection and recommended conditions.
- 3.12 **Transport Officer** – No objections with regard to the vehicle and cycle parking requirements.
- 3.13 **Housing Supply Officer** – Provided detailed comments set out in the key issues section below.
- 3.14 **Crime Prevention Design Advisor, Hertfordshire Constabulary** - Made the following comments:

***“I note that in the Planning Statement there is mention of Paragraph 127 which mentions considering issues regarding crime, disorder and the fear of crime yet there does not appear to be any examples of how the applicant intends to address these issues. Although Letchworth is a relatively low crime area it does have issues with antisocial behaviour. There appears to be a public perception that this proposal could become a crime generator. There were similar concerns with the site in Stevenage. One of the ways to reduce the risk of this occurring, and can give service users a sense of security is to ensure that the development is accredited to the Police preferred minimum security standard that is Secured by Design (SBD). As the local Crime Prevention Design Advisor (CPDA), I was involved with the development of the Stevenage site and ensured that it was accredited to SBD. As stated earlier not only does this provide safer and more secure accommodation for service users but it will also ensure compliance with Approved Document ‘Q’ of building Regulations.***

***In addition to the above I am pleased to see that a suitable lighting plan is being devised using both columns and building mounted illuminations. I would not look to the use of bollard style lighting as these are prone to damage and, from a crime safety aspect, can blind you with their light thereby reducing your opportunities to be aware of your surroundings this, in turn, can lead to a rise in the fear of crime.***

***Given my comments above the Police Crime Prevention Design Service are not in a position to support this proposal fully and whilst, we are not looking to object we would ask that the applicant should contact the local CPDA with a view to seeking to achieve SBD accreditation for this development. Should this happen then we would fully support the application.”***

**3.15 Community Protection Manager, NHDC –**

***“The Authority doesn’t have any crime and ASB stats related to this type of issue and connected to this area so it would be very difficult to give a factual representation in this regard as to whether or not the hostel should be located there for those reasons.***

***In a more general sense we previously we have worked with the police (and other partners such as housing) to deal with individuals believed to be homeless/presenting as homeless who have caused ASB, nuisance and crime to address both elements (housing and ASB/crime issue). Anecdotally I would say that provision for this demographic is challenging and limited in North Herts - but Housing/homelessness team would be able to provide a better overview in terms of existing services and demand.”***

Provided us with the contact details of the Police Safer Neighbourhood Team Inspector.

**3.16 North Herts Safer Neighbourhood Team, Local Policing Command – *“Having made enquiries, I understand the local Crime Prevention Officer for North Hertfordshire Mark Montgomery has already provided a response to your team on behalf of Herts Constabulary so I believe this has already been dealt with.”***

**3.17 HCC’s Growth and Infrastructure Unit – *“I refer to the above-mentioned application and am writing in respect of planning obligations sought by the County Council towards: early years provision; primary and secondary education; library; youth; waste; and adult care services to minimise the impact of development on Hertfordshire County Council Services for the local community. We will not be seeking financial contributions at this point in time. This is on the understanding that the development is for ten units or less, and which has a maximum combined gross floorspace of no more than 1000sqm. However, you may receive separate comments from the Highways Unit.***

***Please note that this does not cover the provision of fire hydrants and we may contact you separately regarding a specific and demonstrated need in respect of that provision.”***

**3.18 Contracts Officer, Waste and Recycling – Raised no objections to amended scheme and recommended condition to ensure that the proposed on-site facilities for waste storage and collection are provided.**

**3.19 Letchworth Garden City Heritage Foundation – No comments received**

### **Neighbours/site publicity**

- 3.20 In response to publicity the Local Planning Authority has received objections from some 85 local residents and businesses (running total is available to view on the website). 81 are objections, 3 are in support and 1 is neutral.
- 3.21 The representations have been reviewed by the Council's Policy Team and it is considered that some comments are inappropriate, inflammatory or offensive or based on a negative stereotype. Such comments cannot be condoned by the Council. 61 representations have been removed from the website on the basis that the Policy Team consider them to be inappropriate, inflammatory or offensive or based on a negative stereotype of homeless people. This is in line with NHDC's Statement of Community Involvement for Planning (July 2020). However, the relevant material planning considerations raised have been considered in the report.
- 3.22 I have summarised the range of points raised below:
- Concerns that there might be an increase in crime and anti-social behaviour
  - Some local residents comment that there are existing issues with anti-social behaviour, drug use and drug dealing and drinking already occurring in the area, in particular in the alleyway connecting Pixmore Avenue and Dunhams Lane, the Baldock Road recreation ground the nature reserve that runs from Ridge Road to Birds Hill and they are concerned this could increase.
  - Concerns that the shelter might have a negative impact on the wellbeing and safety of local residents.
  - Concerns about impact on safety of walking routes to local day nursery, schools, parks, work and the train station and local open spaces.
  - Concerns about Police resources in the local area.
  - Concerns about the management of the shelter by the staff and whether it would only be a night shelter.
  - Concerns the proposal would have an adverse impact on the community.
  - Concerns raised based on negative experiences of other homeless shelters, including the Sanctuary in Hitchin and the Haven in Stevenage.
  - Concerns about possible increase in noise and disturbance.
  - Concerns regarding loss of property value/ impact on insurance premiums.
  - Concerns with regard to the scale of the development.
  - Concerns the development would exacerbate existing traffic congestion, highway safety and parking problems.
  - Loss of employment area as designated in the Saved and Emerging Local Plans, which fits with Garden City philosophy.
  - Fails to comply with planning policy.
  - Question need if homelessness is going to be reduced in the next few years.
  - Suggest empty properties could be used to house homeless people.
  - Affect any future plans to develop the surrounding area for housing.
  - Detrimental effect on the character of the local area due to the design
  - Loss of wildlife

- Concern the proposed development would have an adverse impact on local businesses.
- Question the location of the proposed development.
- Many local residents considered that there is a need for homeless shelters, but do not consider this to be the right location.
- Suggest that there are other more suitable locations for a homeless shelter and an empty building could be used.
- Lack of information with regard to management of the shelter.
- Complaints with regards to the consultation – particularly that it did not cover a wide enough area.
- Complaints that the initial notification letter was received much later than dated giving little time to comment.
- Concerns with regard to the objectivity of the decision process, as NHDC will make use of this facility to house residents.

3.23 One representation received was from the Pixmore Avenue Management Company Limited which are the managing agents for the residential estate off Pixmore Avenue, which comprises of 279 units of flats and houses. An initial survey of the residents was undertaken and they received 56 responses. 46 were a clear objection of the proposal, 3 had some reservations, 4 were unsure at this time and only 3 were currently in favour. In behalf of the management company Pixmore Avenue Management Company Ltd they are writing to objection the planning application on the following grounds:

- Anti-social behaviour
- Noise
- The local economic impact
- Intensity of housing
- Traffic and transport
- Parking

3.24 One objection included a petition including 45 signatures, (a list of all the residents from the top of Pixmore Ave, top of Ridge Ave, the green houses and one side of Pix Road) who are opposed to this development which stated that:

***“We the undersigned oppose the plans to erect a 40 bed homeless shelter on the corner of Protea Way and Pixmore Ave. We are not opposed to a hostel and would suggest repurposing the unit opposite the Nip in Cafe.”***

3.25 3 representations received in support – one commented that everyone who becomes homeless should have access to a safe, stable place to live with the care, support and advice needed to transform their lives for the better.



## 4.0 Planning Considerations

### 4.1 Site & Surroundings

4.1.1 The site is on the east side of Pixmore Avenue and Protea Way runs along the south boundary of the site. The site has an area of approximately 0.26 Hectares and currently comprises hardstanding, overgrown grass and scrub, as well as some trees. There had been some fly tipping on the site. The site has been vacant for about 15 years. The site is within the designated employment area in both the existing and proposed new Local Plan. The site is surrounded by commercial premises. There is residential development close to the site to the west and south. The site is not within the Conservation Area. However, is close to the edge of the Conservation Area, which is to the west and south of the site. There are two Grade II Listed Buildings opposite the site to the west (St Edmundsbury Weaving Works and 124 Ridge Road).

4.1.2 The applicant's Planning Statement states that:

***"The application site has been vacant for a considerable time. Aerial images show a commercial unit stood on the site in 2003 with access being achieved from Pixmore Avenue. However, similar images from 2007 show that the building had been demolished by that point and the site has remained vacant ever since."***

4.1.3 The planning history is set out above. Planning permission has twice been granted for a new building on the site for commercial purposes, with the most recent being in 2006. However, these approved schemes have not been implemented, are no longer extant and the site remains vacant.

### 4.2 Proposal

4.2.1 The proposal is for a new homeless shelter, which would provide 40 bed spaces for single homeless people. The proposed building would be three storeys. The proposed development would include a parking area in front of the building with a vehicular access onto Pixmore Avenue. A bin collection area would be included within this parking area. The proposed scheme would include a timber enclosed refuse store to the north of the building along with a new sub-station, storage structure and a plant enclosure, which would include the equipment for the air source heat pump, which is proposed to the rear of the building. The cycle storage would also be to the north of the building and a garden which would wrap around the north side and rear of the building. The proposed building would be mainly constructed with a light brown blend brickwork at ground floor level and to the frontage, and with a textured render at first and second floor levels to the sides and rear. There would be 10 car parking spaces and 16 cycle storage spaces. Solar panels are proposed on top of the roof, set in from the building edge and parapet. The proposal includes planting and a grassed area. The proposed fencing would be a mix of 2m high black weldmesh fencing and 1.8m high hit and miss timber fencing.

4.2.2 The applicant's Planning Statement describes the internal layout of the proposed building as follows:

***"Internally, the building would include 33 No. individual ensuite rooms, 3 No. 'moving on units' comprising 2 No. bedrooms each, and 1 No. accessible ensuite studio bedroom. A total of 40 No. bedspaces would therefore be provided. In addition, a single staff bedroom would be provided along with 4 No. cluster flat kitchen areas, a communal dining/games and lounge area, a laundry room, computer room, an interview room, a training/meeting room, office accommodation for staff and ancillary facilities (cleaning cupboards, stores etc)."***

4.2.3 The applicant's Planning Statement goes on to set out the background to the proposed shelter as follows:

4.2.4 ***"The proposed development is brought forward by Ashe Construction and Haven First (the Applicant), a charity currently operating the existing homeless shelter facility in Hitchin and a purpose built shelter in Stevenage. Haven First have been a registered charity since 2003 and a Registered Provider with the Homes and Communities Agency since 2014. The charity provides emergency accommodation and other vital support services to single people in Hertfordshire who find themselves homeless, or at risk of homelessness."***

***The overall aim of the proposed shelter is to provide a safe environment for homeless people in Letchworth, and the wider North Hertfordshire District. The shelter would provide a stepping-stone to both permanent accommodation and employment.***

***Haven First's experience of operating the new, purpose built facility in Stevenage alongside the lack of facilities for homeless people in Hitchin and Letchworth have been the key driver behind the need to find a site within the North Hertfordshire District. Whilst there is an existing facility at Nightingale Road, Hitchin (also operated by Haven First), this building is no longer fit for purpose with very limited capacity and shared rooms (meaning they are only available to male residents).***

***The construction of a new purpose built shelter will provide the following benefits, which have been evidenced from the very similar building provided and operated by the charity in Stevenage. The benefits of the proposed shelter will include:***

- Being able to accommodate people with more complex health and support needs by having individual rooms and the capacity within the project to implement extra support;***
- Being able to implement day services on site such as counselling, cooking skills, pre-tenancy training, sports activities, and educational programmes, all assisting with 'moving on' skills and improving residents self-esteem;***
- Ability to implement in house substance misuse programmes; and***

***• Being able to move people on in a planned way through supporting their needs and being able to be co-ordinate improved multi agency working and the implementation of bespoke day services which in turn prevent repeat referrals.”***

4.2.5 The application is supported by the following documents:

- Planning Statement
- Design and Access Statement
- Planning Energy Report
- Statement of Community Consultation
- Biodiversity Report
- Noise Assessment
- Transport Statement
- Surface Water Drainage Strategy
- Ground Appraisal Report
- Anglian Water Assessment Report

4.2.6 Notification letters were sent out to local residents and local businesses in early September and the consultation deadline given was 2nd October. However, the letters were not received until late September. We have investigated this matter and understand that there was an issue with our postal provider (an external company who send out letters for us in the post). As such we re-notified local residents on 5th October (when we had been assured that there would be no delays with the post), and we extended the consultation period on the planning application to 31st October 2020. Many residents raised concerns that the consultation did not cover a wide enough area. However, 342 local residents and local businesses were notified of the application, site notices were displayed on the site and a press notice was displayed in the Comet. Wonderland Day Nursery and Hillshott Infant and Nursery School were consulted.

4.2.7 Amended plans were received on 12<sup>th</sup> January 2021 to accommodate the refuse collection point. Given the minor nature of the changes local residents and businesses were not re-consulted.

#### **4.3 Key Issues**

4.3.1 The key issues for consideration are as follows: principle of development/planning policy, need for the homeless shelter, design and landscaping, impact on heritage assets, impact on living conditions; issues regarding crime and anti-social behaviour; highways and parking; waste management; flooding and surface water drainage; land contamination; air quality; ecology; planning obligations; public consultation and use class.

##### **Principle of development / Planning policy**

4.3.2 The Planning Policy Officer was consulted on the application and provided detailed comments, which have informed the discussion below.

#### 4.3.3 Local Plan Policies

At the pre-application stage I advised that as a matter of principle the proposed scheme would be contrary to policy, however on reflection I do not consider that to be the case for the reasons set out below. This site is in a designated Employment Area in both the North Hertfordshire District Local Plan No. 2 - with Alterations 1996 (Saved Local Plan) and the North Hertfordshire District Submission Local Plan (2011-2031) (Emerging Local Plan). The site lies within area LE1 of the Proposed Submission Proposals Map. Saved Local Plan Policies 36 and 37 do not apply as the application does not relate to an employment or business use. Saved Policies 36 and 37 do not contain exception criteria for non-employment uses. It is worth noting that following the publication of the National Planning Policy Framework (NPPF) in March 2012, policies in the Local Plan need to be considered alongside those of the NPPF. Policies which are inconsistent with the NPPF will have less weight applied to them. The Council believes that most policies in the Local Plan remain broadly consistent with the NPPF and therefore still have significant weight in determining applications. There are four particular policies where the Council has identified an inconsistency between the Local Plan and the NPPF (as set out on the Council's website). One of which is Policy 36 on employment provision: the policy is broadly consistent with the NPPF, with the notable exception that the NPPF allows for the loss of designated employment land where there is no reasonable prospect of the site being used for the allocated employment use. As discussed below the applicant has provided a convincing argument that this is the case.

- 4.3.4 However, the proposal should also be assessed in light of Policies SP3 and ETC1 in the Emerging Local Plan which are relevant to development on this site. Policy ETC1 has exception criteria that relates to Employment Areas. Policy ETC1 reads as follows (as set out in the Proposed Main Modifications November 2018) :

***“Within the safeguarded allocated Employment Areas, and the Employment Allocations (BA10 and RY9), as shown on the Policies Proposals Map, planning permission will be granted where provided:***

- a. Within those parts of the Employment Areas designated for business use only, development is for Use Class B1;***
- b. Elsewhere within Employment Areas, development is for Use Classes B1, B2 or B8;***
- c. For allocated sites any relevant site-specific criteria are met; and***
- d. Any Use Class B8 development is easily accessible from the primary road network.***

***Planning permission for other employment-generating uses will be granted as an exception to the above criteria provided they are:***

- i. Ancillary to the above uses;***
- ii. Essential to the continued operation of an established premises;***
- iii. Would bring comparable benefits to a B-class use in the same location; or***
- iv. Would make use of a site that would otherwise be likely to become or remain vacant for an extended period of time.”***

4.3.5 The proposal does not comply with exception criteria (i) or (ii). However, the proposed development is considered to meet exception criteria (iii) and (iv). With regard to exception criteria (iii) it is considered that the applicant does demonstrate that the proposal would bring comparable benefits to a B-class use in the same location. The applicant does make a strong case of the number of employees at the proposed site being comparable to other employment uses. This factor is also supported by paragraph 4.36 of the Emerging Local Plan, which recognises the importance of job creation from other parts in the local economy. Also, increasing the employability of the clients will support job creation longer term, therefore bringing an added benefit.

4.3.6 With regards to exception criteria (iv), the site has remained vacant for a significant amount of time (about 15 years) and the applicant does supply information relating to viability testing that has been undertaken in 2016. In view of this, it is considered that part (iv) of ETC1 is additionally met.

4.3.7 Paragraph 5.7 in the supporting text of the Council's Emerging Local Plan sets out exception criteria which apply are dealt with in turn below. This paragraph reads as follows:

***“Development proposals which seek to make use of the exception criteria of this policy will be considered on their merits. When assessing such proposals, the Council will have regard to (as applicable in each instance):***

- ***employment generation on site;***
- ***impact on relevant town centres;***
- ***where appropriate, the level and type of retail involved on the site;***
- ***any potential benefits to the community or surrounding businesses from the proposed use;***
- ***the proportion of the site to be used for sales and display as opposed to repairs and servicing, in the case of motor trade uses;***
- ***accessibility by non-car modes of transport;***
- ***any evidence clearly demonstrating that:***
- ***the land or premises is no longer required to meet future employment needs of the District;***
- ***the land or premises is inappropriate or unfeasible for employment use, based on market conditions or amenity / living condition problems; and***
- ***no other suitable sites outside designated employment areas are viable and available; and***
- ***details of any sequential and / or impact testing.”***

4.3.8 In this case the development proposal seeks to make use of exception criteria (iii) and (iv) of Policy ETC1. The proposal has been assessed under each of the above headings. At the pre-application stage I advised that any application would need be accompanied by evidence of lack of market demand for the site for its current allocated use; demand for the type of accommodation sought; detail of any sequential 'site-search' exercise and provisions of national policy. The applicant has submitted this further information with this application and has provided more information as requested during the course of the application.

### **Employment generation on site**

- 4.3.9 The applicant details the employment generation on the site. The development would employ around 19 people. The applicant maintains that based on the footprint of the shelter this would be higher than the jobs generated by B8 (storage and distribution), B1c (light industrial) and B2 (general industrial) uses, which would equate to 7.5, 11 and 14.5 jobs (according to the Government's 2010 'Employment Densities Guide (2nd Edition)' produced by Drivers Jonas Deloitte). The proposal would provide a net gain of 19 jobs as the site is currently vacant. As such I am satisfied that the applicant meets the requirement of ETC1 (iii) as it would bring comparable benefits to a B-class use in the same location.

### **Impact on relevant town centres**

- 4.3.10 With regard to impact on relevant town centres, the applicant did not initially supply information that explicitly addresses this matter and this was raised with them. The agent for the applicant provided the following response on this matter:

***“With reference to Policy ETC1 of the emerging Local Plan, queries are raised in respect of whether all of the exception criteria set out in Paragraph 5.7 of the emerging Local Plan, are met. In terms of the potential for impact on the relevant town centre (which would be Letchworth Garden City centre), the loss of the site from a traditional employment generating use, would not result in any adverse impact upon Letchworth Garden City centre. As indicated within the consultation response, bringing the application site back into use will not only provide employment opportunities for staff commensurate (or greater than) those that would be provided on the site in a former B1(c), B2 or B8 Uses, it also brings residents to this location. Both staff and residents are likely to make use of facilities, services and retail opportunities within Letchworth Garden City centre, thereby adding to their viability over the longer term.”***

- 4.3.11 Given the employment generation both of staff and clients over time, I consider this to be positive. Additionally, I concur that the scheme has potential to increase footfall of the town centre retail areas bringing employees and clients from a currently unused site.

### **Where appropriate, the level and type of retail involved on the site**

- 4.3.12 This criterion relates to the level and type of retail to be provided and is not relevant to the application.

**Any potential benefits to the community or surrounding businesses from the proposed use**

- 4.3.13 The applicant supplies detailed information explaining the potential benefits to the community in addressing the need for homelessness provision in the District. Therefore, I am satisfied that this criterion is met. This is discussed in more detail under the section: "Need for the Homeless Shelter" below.

**The proportion of the site to be used for sales and display as opposed to repairs and servicing, in the case of motor trade uses**

- 4.3.14 The criteria relating to motor trade uses does not apply.

**Accessibility by non-car modes of transport**

- 4.3.15 The site is accessible from non-car modes of transport, including frequent bus and train public transport connections and therefore this requirement is met. The applicant's Planning Statement states:

***"The site is within a highly sustainable location being roughly 700 metres walking distance to Letchworth Town Centre, which is to the west of the site. The site is also within close proximity to a number of services and facilities, including Howard Park, Baldock Road Recreation Ground and doctor's surgeries. The site would be in reasonable walking or cycling distance from all the services and facilities of Letchworth Town Centre, including Letchworth Railway Station, which has frequent services to London. The site is also within very close proximity to bus stops on Pixmore Avenue, including Phoenix Park bus stop (~200 metres) and Pixmore Centre bus stop (~100 metres). These bus stops serve the 90 and 91 bus services between Letchworth and Royston/Odsey. There are other bus stops within close proximity to the site, including within the town centre."***

- 4.3.16 Later they go on to explain that:

***"The Protea Way/Pixmore Avenue site was chosen, in addition to its availability and likely deliverability, as it is situated in a convenient location close to Letchworth Town Centre (which is within reasonable walking distance from the site). This makes the site highly accessible to allied facilities which residents may use on a weekly basis. These facilities include North Hertfordshire District Council offices, which residents may use to find permanent housing and other Council Services. The Town Centre also contains the Job Centre (unlike Hitchin) and Citizens Advice Bureau. To the east of the site is a Drug and Alcohol service run by Change Grow Live who aim to help people reduce and, ultimately, stop drug and/or alcohol use. To the south of the site is a Narcotics Anonymous meeting place, on Pixmore Way, which also aims to help people with narcotic addictions. The site is centrally located between these services and the Town Centre. Being at the edge of an employment area and within walking distance of the Town Centre, there is access to a range of employment opportunities for residents also."***

***There are a number of bus stops within 1-2 minutes' walk from the site. These bus stops cater for a number of services...These bus routes run a relatively regular service, with the more local services running several times an hour. This ensures that residents will be able to easily access the local services outlined above, but will also be able to travel further afield, with connections to Letchworth Railway Station possible, from which direct rail services to London can be obtained."***

- 4.3.17 I note that the Job Centre is located in Letchworth rather than Hitchin, which is a benefit to this site over the current site of North Herts Sanctuary in Hitchin. In my view the fact that the site is on the edge of the employment area and within walking distance of the town centre, facilities and public transport is a positive factor and evidence that the site is accessible by non-car modes of transport.

**Any evidence clearly demonstrating that the land or premises is no longer required to meet future employment needs of the District**

- 4.3.18 The application did not initially include clear evidence that the premises are no longer required to meet the future employment needs of the District. This information was requested; and the agent provided the following information:

***'The application site is currently an overgrown area of land enclosed by temporary metal fencing and which has laid vacant for around 15 years. Given this very substantial length of time without the site being utilised for a traditional employment use, there is little prospect of its uptake for such a use in the future. The site is well situated and benefits from good accessibility and there is therefore no locational reason for its failure to attract employment investment. As set out within the Planning Statement, the development of the site for commercial or employment purposes was not considered to be viable following a review by Satchells in 2016. There has been a clear change in the economic situation since 2016, and unfortunately not for the better. As alluded to within the consultation response, the impact of Brexit and now the Covid-19 pandemic, have further reduced the potential market for the site and there is no realistic prospect of its delivery for a traditional employment use. In addition, it should be noted that Paragraph 120 of the NPPF specifically promotes the support of applications for alternative uses of sites as this for developments that meet a local need.'***

- 4.3.19 In my view sufficient evidence has been provided to demonstrate that the land is no longer required to meet future employment needs of the District, particularly given the economic factors at present including the impact of the Covid 19 pandemic, Brexit and general employment land trends.

**Any evidence clearly demonstrating that the land or premises is inappropriate or unfeasible for employment use, based on market conditions or amenity / living condition problems**



4.3.20 The Planning Statement explains that the application site is owned by Ashe Construction and Letchworth Garden City Heritage Foundation and has been vacant for around 15 years. As set out above planning permission was granted in both 2003 and 2006 for the erection of a building for commercial purposes, but neither were implemented. The Planning Statement explains that in 2016, Satchells were instructed by Ashe Construction to look at the viability of the development of the site for commercial/employment use. This concluded that given rents available at the time of that assessment, it was unviable to construct and let either small employment units or one larger unit. They comment that since 2016 there has been a general downturn in the commercial/employment market, in part associated with the uncertainties surrounding Brexit and the Covid-19 crisis has had a further significant impact on demand and take-up of industrial and commercial premises, with a particularly severe impact felt across the office accommodation sector, as many businesses have struggled to maintain services and many formerly office based employees have been 'working from home'. They conclude that:

***“the redevelopment of the application site for traditional Class B forms of employment use therefore remains highly unlikely given the recent trends in commercial and industrial demand (which show no indication of changing), and therefore the viability of the site for use uses. This position is further exacerbated by the ongoing, and largely unknown, impacts of the Covid-19 crisis.”***

4.3.21 The applicant does explain how Satchells were instructed to explore the viability of the site for commercial/employment uses in 2016. I consider that whilst this evidence is not up to date, the picture is unlikely to have improved particularly in recent months. The agent provided some further comments on this issue:

***“In terms of the loss of employment land, this was addressed in part within the letter of 10th December 2020, where the following was stated:***

***‘The application site is currently an overgrown area of land enclosed by temporary metal fencing and which has laid vacant for around 15 years. Given this very substantial length of time without the site being utilised for a traditional employment use, there is little prospect of its uptake for such a use in the future. The site is well situated and benefits from good accessibility and there is therefore no locational reason for its failure to attract employment investment. As set out within the Planning Statement, the development of the site for commercial or employment purposes was not considered to be viable following a review by Satchells in 2016. There has been a clear change in the economic situation since 2016, and unfortunately not for the better. As alluded to within the consultation response, the impact of Brexit and now the Covid-19 pandemic, have further reduced the potential market for the site and there is no realistic prospect of its delivery for a traditional employment use. In addition, it should be noted that Paragraph 120 of the NPPF specifically promotes the support of applications for alternative uses of sites as this for developments that meet a local need.’***

***Whilst the Policy Officer notes, and it is not disputed, that the Satchells assessment is now over four years old, as alluded to above, the economic situation has certainly not improved, even prior to the Covid-19 crisis. Over a number of years there has been a general move away from more traditional manufacturing industries (those that would fall under former Use Classes B1(c) or B2) as the national economy, particularly within the South East, becomes more service driven. In addition, the use of the site for a traditional Use Class B8 warehousing use is significantly limited due to the size of the site and its position away from the strategic road network. There is no evidence to suggest that the economic climate or demand for sites such as the application site for traditional B1(c), B2 or B8 uses has done anything other than decline further over the period since the Satchells assessment was undertaken in 2016.***

***Unfortunately, the applicant is not able to provide an updated version of the Satchells assessment, as this has not been commissioned and it would seem unreasonably onerous to require such an updated report at this point given the well documented national economic issues and the points set out above.***

***It has been accepted by the Policy Officer that the proposed shelter would indeed provide a highly comparable or better level of employment than a traditional B Class employment use and the proposed development should not therefore be seen as a loss of employment land, but rather a re-purposing that allows for its future efficient use which would not detract from the general economic development aims of the Plan or designation. The selection of the application site and its use for a homeless shelter therefore complies with the requirements of the emerging Local Plan and enables the land to provide a level of employment generation and provide a much needed shelter for homeless people within North Hertfordshire District, a key Council priority."***

- 4.3.22 The work undertaken by Satchells is now four years old, and although circumstances have likely worsened this is not evidenced as such. I would not necessarily expect this given the unprecedented circumstances at present. I accept the applicant's position regarding demand for the employment land. I consider that they have provided sufficient evidence that demonstrates that the land or premises is inappropriate or unfeasible for employment use, based on market conditions.

**Any evidence clearly demonstrating that no other suitable sites outside designated employment areas are viable and available**

- 4.3.23 Paragraph 5.7 of the Emerging Local Plan also sets out that the applicant should show that there are no other suitable sites outside of designated employment areas that are viable and available based on the information provided.

4.3.24 The Planning Statement states:

***“The search for suitable sites for a new homeless shelter to serve North Hertfordshire began in 2016. The search parameters established were: site area; site location; site ownership; deliverability; proximity to other services; and cost/viability/alternative use/competition.”***

4.3.25 They state that the site search identified 8 potential sites for consideration. They explain that:

***“The site search was informed by a similar search undertaken by Settle (a Registered Provider) for sites predominantly around Hitchin. Furthermore, in September 2017, Housing Officers from North Hertfordshire District Council who were aware of the need for additional homeless accommodation as a temporary solution, given the increase in single homeless people requiring assistance, considered the temporary use of Council owned properties. As part of this, the temporary use of both Town Lodge offices and Letchworth Museum were considered as a solution. However, both buildings would have required significant works to change to a residential use. In addition, the Vantage Point building, a vacant Letchworth Garden City Heritage Foundation property, was also considered. Similarly, this building also required significant works for its conversion from employment use to residential.***

***Whilst it is acknowledged that 7 No. of the 8 No. potential locations identified fall within Employment Areas, this was not a search criteria or intention and arose merely as a consequence of sites that may be available. The search revealed that there was a lack of suitable residential or other public sector land opportunities given the high housing need and demand across the District.”***

4.3.26 A site search assessment is attached as an appendix to the Planning Statement and explains why none of the other eight sites were suitable and available. The application site was the only site found to meet the selections criteria and be both suitable and available for the project. They comment that: ***“Importantly given the nature of the use and development proposed, the site owners were willing to work with Haven First to achieve the required accommodation.”***

4.3.27 The applicant was asked to provide greater detail about site selection and viability to determine whether the criteria can be met, in particular that non-employment sites were considered prior to the employment sites.

4.3.28 The agent provided the following comments in response to this:

***“As has previously been advised, the search for a suitable site to accommodate a homeless shelter to serve single homeless people within the North Hertfordshire area ultimately resulted in a number of employment sites being identified and considered. The submitted Planning Statement confirms that this site search was informed by a similar search undertaken by Settle and followed an agreement by the Council's Asset Management Group in September 2017 to seek possible locations for a temporary solution to the increasing demand for single homeless accommodation across the District.***

***The site search initially considered the possibility of converting or redeveloping sites under the ownership of the Council or the Letchworth Garden City Heritage Foundation (as set out in the Planning Statement). However, as the Council transferred all of its housing stock to a Registered Provider in 2003, the only potentially available Council owned sites were those already in employment use. The potential to re-use or redevelopment a site already in residential use was not therefore possible on Council owned land. This was also the case in respect of land or buildings owned by Letchworth Garden City Heritage Foundation.***

***Whilst other non-Council owned residential sites could have been considered, the proposed development of a homeless shelter by either the Council itself or a registered charity (as is the case with Haven First) would not be able to compete on the open market for otherwise potentially suitable sites. A vacant site or a site with redevelopment possibilities for residential use will attract a far higher market rate than an employment use and the funds available to procure such land for the shelter are very significantly lower than a housebuilder would be able to offer. Unfortunately therefore, the site search was not able to identify any other non-employment land sites that could be suitable for the proposed homeless shelter use and subsequently (as set out in the Planning Statement) the application site at Pixmore Avenue was considered the most appropriate and deliverable.”***

4.3.29 It is also noted that planning permission was granted for the erection of a three-storey building including demolition of existing hostel at 25 Nightingale Road, conversion and extension of no. 2 Grove Road, alterations to parking, access and landscaping, to form new hostel and annexe for North Herts Sanctuary in Hitchin (13/00628/1). This scheme was not implemented and the permission is no longer extant. This scheme would have created 16 single bedrooms with ancillary accommodation including lounge/dining room, staff room, kitchen, office and a basement housing a training room, laundry and store room. I appreciate the constraints of this site and that the current proposal in Letchworth of a purpose-built scheme would be able to provide a better facility for significantly more people.

4.3.30 As a result, I am satisfied that sufficient evidence has been provided clearly demonstrating that no other suitable sites outside designated employment areas are viable and available.

**Any evidence clearly demonstrating details of any sequential and / or impact testing**

4.3.31 The final requirement of paragraph 5.7 is to detail any sequential and/or impact testing. It is worth noting however that the general thrust of the policy is in relation to main town centre uses when applying the sequential test and therefore is not relevant to a homeless shelter. However, the applicant was asked to detail any impact testing to support the application.

4.3.32 The agent for the applicant responded as follows:

***“It is noted that the consultation response also refers to sequential and impact testing, however, these are only relevant if the alternative use of an employment site for a main town centre use is proposed. A town centre uses sequential assessment would be required if a main town centre use were proposed (i.e. retail or leisure development) in order to establish if a more appropriate town centre location were to be available. The proposed homeless shelter does not fall within the definition of a main town centre use and as such a sequential assessment is not required. In addition, an impact assessment is also only required in relation to retail and leisure uses (as per Paragraph 89 of the NPPF).”***

4.3.33 The applicant has also responded on some positive benefits that the scheme would provide in terms of bringing staff and residents to the town centre. Therefore, I am satisfied on these points and think they have submitted sufficient information on this matter. Although the applicant doesn't supply information on sequential testing, this isn't needed due to the homeless shelter use and it also ties back to the beginning of the exception criteria that enables an 'as applicable in each instance' approach.

4.3.34 In my view the applicant has provided sufficient information to demonstrate that the proposed development would comply with the applicable exception criteria of Emerging Local Plan ETC1.

4.3.35 Policy HS4 applies to supported, sheltered and older persons housing in use classes C2 and C3. In my view the proposed use as a homeless shelter is a 'sui generis' use therefore this policy does not apply. In any case the proposed development would comply with this policy, as there would be good access to local services and facilities, the site is well served by public transport, appropriate levels of on-site landscaping, amenity space and car parking are provided and the scheme would provide a density, scale and character of development appropriate to its location and surroundings.

#### 4.3.36 SP3: Employment

SP3: Employment is a strategic policy states that: "The Council will proactively encourage sustainable economic growth, support new and existing businesses and seek to build on the District's strengths, location and offer." It sets out what the Council will do to achieve this. Points (b) and (h) are of relevant to this application and are copied below:

***"b. Designate Safeguard the Employment Areas within the District's main settlements, as shown on the Policies Map, to enhance and protect their safeguard employment potential;***

***h. Ensure relevant policies of this Plan recognise the contribution of non-B-class sectors, including tourism, to the provision of jobs in the District."***

4.3.37 For the reasons already set out above it is considered that the proposed development would meet these two criteria, given that the proposed development would generate a similar level of employment to that generated by a B1 use.

4.3.38 With regard to the weight that can be given to the Emerging Local Plan at this stage, the Planning Policy Officer made the following comments in November 2020:

***"The emerging Local Plan for North Hertfordshire has been submitted to the Secretary of State and is currently being examined. Hearing sessions were scheduled between 13 November 2017 - 27 March 2018, proposed modifications have been published and consultation on these modifications took place in November 2018. Additional hearing sessions were scheduled in March 2020 but have been postponed until November 2020 due to Covid-19.***

***Paragraph 48 of the (NPPF) provides advice on weight which might be given to the emerging policy having regard to:***

***(a)The stage the preparation the plan has reached***

***(b)The extent of unresolved objections; and***

***(c)The extent to which the proposed new policies are consistent with the NPPF.***

***With regards to criteria (a), the plan is well advanced, with the issuing of modifications marking a definitive move forward. With regards to criterion (b), the issued modifications considered representations made against the plan and resolve such issues.***

***Further to this, the relevant emerging Local Plan policies to this application have only received a modest number of objections as follows: ETC1 (4 objections), HS3 (8 objections), HS4 (2 objections), D1 (11 objections), D3 (0 objections), T1 (9 objections) and NE5 (now NEx New and improved open space) (4 objections).***

***The publication of modifications to address issues raised through the Plan's consultation and examination hearing sessions indicates that the Council has***

***considered the issues raised and still considers it sound and capable of adoption with modifications. The outcomes from hearing sessions to date suggest that there is a high degree of consistency between the policies and the NPPF and any proposed modifications to the plan secure this consistency.”***

- 4.3.39 Since these comments were made, the hearing sessions took place in November and December 2020. A Hearing session was held on 9th Dec on ETC1 amongst other policies affected by the UCO changes. There are two further Hearing sessions planned on 1st and 2nd February relating to master planning and BK3. Therefore, the view remains as set out above. As such in my view weight can be given to Emerging Policies SP3 and ETC1 and this weighs in the planning balance.

### **National Planning Policy Framework**

- 4.3.40 Paragraph 8 of the NPPF sets out the economic, social and environmental objectives that should be met in order to achieve sustainable development. In my view the proposal would meet the overarching objectives of sustainable development in the NPPF.
- 4.3.41 Whilst the economic objective would be limited, as it would involve a loss of employment land, there would be economic benefits to the scheme, as there would be staff employed on site (it would bring comparable benefits to a B-class use in the same location) and the shelter would help provide a stepping stone to employment as well as permanent accommodation. In my view the proposal would meet the NPPF's social objectives as it would provide much needed accommodation for homeless within North Herts and would also provide ongoing support and training for residents enabling them to learn new life and employment skills, along with tackling any problems they may have, which assist in residents moving on to secure their own accommodation. The proposed development would meet the environmental objectives of the NPPF, as it would involve the redevelopment of a derelict area of land, which has been subject to fly tipping and enclosed by Heras fencing. Also, the proposed building would incorporate solar photovoltaic panels to the roof and would have an Air Source Heat Pump, both of which would reduce the energy take for the development.

- 4.3.42 Paragraph 92 of the NPPF states that:

***“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: (a) plan positively for the provision and use of...other local services to enhance the sustainability of communities and residential environments.”***

In my view the proposed homeless shelter would enhance the sustainability of the wider community.

4.3.43 Paragraph 118 of the NPPF states:

***“Planning decisions should...give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;”***

4.3.44 The site is brownfield land within a settlement and the development would remediate the degraded state of the site.

Paragraph 120 of the NPPF states:

4.3.45 ***“Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:***

***a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and***

***b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.”***

As set out above there does not appear to be any reasonable prospect of an application coming forward for the employment use allocated in the plan and this alternative use as a homeless shelter would contribute to meeting an unmet need for development in the area.

#### **Summary of principle of development/planning policy**

4.3.46 This site is in a designated Employment Area in both the Saved Local Plan and the Emerging Local Plan. However, the proposed homeless shelter complies with two of the exception criteria in Emerging Local Plan Policy ETC1: Appropriate uses in Employment Areas, as the proposal would bring comparable benefits to a B-class use in the same location and would make use of a site that would otherwise be likely to become or remain vacant for an extended period of time. Emerging Local Plan Policy ETC1 can be given some weight given the stage of the Local Plan process and lack of objection to this policy. The proposal has also been assessed against the applicable points set out in supporting paragraph 5.7 of this policy. It is considered that the proposal would result in employment generation on site; would not have an adverse impact on Letchworth town centre; would provide benefits to the wider community by providing accommodation and support for homeless people; the site is accessible by non-car modes of transport and sufficient evidence has been provided clearly demonstrating that the land or premises is no longer required to meet future employment needs of the District; the land is unfeasible for employment use, based on market conditions and no other suitable sites outside designated employment areas



are viable and available. The proposal would comply with national planning policy guidance in principle.

I shall now consider the other material considerations.

#### **Need for the homeless shelter**

4.3.47 The NPPF refers to the requirement to meet the housing needs of different groups in the community. Paragraph 56 reads:

***“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”***

4.3.48 Paragraph 61 states:

***“Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”***

4.3.49 The Planning Statement sets out the evidence for the need for a homeless shelter. The key points are as follows. They start by explaining that:

***“The Housing Act 1996 imposed a duty on local authorities to secure accommodation for persons who are homeless, in priority need and not intentionally homeless. However, it did not impose a duty to secure accommodation for all homeless people who were not considered to be of priority need, this included single homeless individuals. The Homelessness Reduction Act 2017 brought about significant changes to legislation and the duties of local housing authorities. The 2017 Act statutorily requires local housing authorities (the Council) to provide all eligible homeless people with a new relief duty. This includes help to secure accommodation that lasts for a minimum of 56 days. There is also a new prevention duty for those threatened with homelessness.***

***Research into the causes of homelessness has identified several factors, some of which relate to the wider state of the economy and the housing market, and others which are personal to the individual or family.”***

4.3.50 The Planning Statement refers to the Strategic Housing Market Assessment (SHMA) update, which covers the combined area of Stevenage and North Herts for the period 2011-2031. They refer to key figures in the SHMA update as follows:

***“From this table it is clear that the number of vulnerable people across the two authority areas is expected to grow over the 20 year period of the emerging Local Plan. By 2031 there will be approximately 360 single homeless people with support needs, 740 people aged 18-64 in need due to alcohol misuse and a further 470 people aged 18-64 in need due to mental health problems, the last two groups being a primary reason for homelessness.***

***Whilst these numbers may not represent a significant portion of the overall housing need in the 20 year period, the statutory duty of the Council to assist in securing temporary accommodation for these people represents a substantial expenditure for the Council (discussed further below).”***

- 4.3.51 They comment in the Planning Statement that the Council produced a document in December 2018 titled the ‘Review of Homelessness in North Hertfordshire’ and that this references a publication by Crisis, titled ‘The 2018 Homelessness Monitor’, which covers the UK. The Crisis publications concludes that: rough sleeping rose by 19% between 2010 and 2017; and the number of households accepted as homeless by local authorities are 48% higher than in 2010. North Herts Council’s Review of Homelessness report acknowledges that the District faces the same challenges as Crisis found across the UK. They also comment as follows:

***“Chapter 2.2 of the Review of Homelessness report identifies that between April 2014 and March 2018 there were 4,583 households who approached the Council for homelessness or housing advice. These included 563 homeless applications over the period, with a further 670 households being prevented from homelessness. People aged 18-24 and 25-34 were the most likely to approach the Council homelessness services. Figure 8, above, taken from the Review of Homelessness report sets out the location of the last known address of people approaching the Council regarding homelessness. This shows a majority arising from Letchworth, closely followed by Hitchin.”***

- 4.3.52 They also highlight that the Review states: ***“Single homeless people from North Hertfordshire would be better served by hostel accommodation within the District rather than outside it.”***

The Planning Statement refers to the latest figures for the number of households approaching the Council and for which it now has a relief duty and recent information from the Council’s Housing Supply team with regard to the numbers of people who have approached the Council for assistance since the Covid-19 crisis.

They go on to make the following point in the Planning Statement:

***“Within North Hertfordshire District social housing is in continual high demand and single adults without serious medical needs are unlikely to be assessed as high priority. Furthermore, private rented accommodation is also limited and single adults under the age of 35 are limited to the shared accommodation Housing Benefit rate which is significantly below market rental rates. This leaves***

***many single adults with little in the way of options, with a local hostel or other emergency accommodation the only option.”***

- 4.3.53 Affordability is also highlighted as a major issue. The Planning Statement comments that: ***“The ONS data relating to affordability ratios shows that North Hertfordshire District has high levels of unaffordability...These ratios indicate that maintaining a household in North Hertfordshire is significantly less affordable than the England average and still considerably less affordable than the East region average. The data also shows that North Hertfordshire is particularly unaffordable for those at the lower end of the earnings scale. The lack of availability of housing that is affordable to those on lower wages within the North Hertfordshire area is therefore particularly acute. This therefore emphasises the need to deliver homes that are affordable to those on lower incomes within the District.”***

They also make the following comments in relation to the issue of affordability:

***“The significant under-delivery of affordable homes exacerbates the issue of affordability for local people and, in part, contributes towards the issues surrounding homelessness within the District.***

***Haven First’s view of the provision for homeless accommodation is similar to that of the Council, in that there is very limited provision specific to Letchworth and North Hertfordshire and the needs of homeless people are not being met. North Hertfordshire District Council have no supply of housing stock, with Housing Associations and hotels relied upon to ‘plug the gap’.***

- 4.3.54 With regard to the need for the shelter the existing provision is a key issue. The Planning Statement provides the following information on this matter:

***“Provision for homeless people in North Hertfordshire is very limited with no provision at all for the mixed vulnerable client group which Haven First, and the proposed shelter, will cater for. Whilst there is some limited provision at the existing shelter at Nightingale Road, Hitchin, this is limited in terms of the numbers of people that can be accommodated and the services it is able to provide to those in need. Whilst well located geographically within Hitchin, being close to the railway station, bus links and the town centre, it is not ‘fit for purpose’ and with a very limited capacity.***

***The Nightingale Road building is a four bedroom property purchased by the Haven First charity. It can accommodate a maximum of 17 No. residents (sharing rooms) but due to the shared dormitory arrangement of the accommodation, this is available to men only. This limited capacity and outdated arrangement has been highlighted during the ongoing Covid-19 crisis where further restrictions have been necessarily imposed (for social distancing reasons) and as such only 5 No. homeless people have been able to be housed here since the restrictions were brought in. This has resulted in significant increases in the need for***

***alternative accommodation (i.e. Bed & Breakfast/Hotel provision), in addition to the Council's requirement to house all rough sleepers due to Covid-19.***

***Notwithstanding the recent Covid-19 related issues, the Nightingale Road centre is very small with limited space, making it difficult to accommodate any form of structured day services. The Hitchin site does not offer any kitchens for use by residents, any training space nor any laundry facilities for residents use. Hertfordshire County Council acknowledge that the property is not 'fit for purpose' and the North Hertfordshire District Council Housing Supply Officer and Planning Officer also acknowledged this at the pre-application advice stage."***

4.3.55 At the pre-application stage I carried out a site visit to the existing Sanctuary homeless shelter in Hitchin and the Haven, the purpose-built homeless shelter in Stevenage. I witnessed that the Sanctuary, whilst providing an invaluable service, is not fit for purpose. The residents have to share rooms with three or four to a room and they are unable to accommodate women. There is very little space for residents to stay in the building during the day. There is not adequate room to provide structured day services to support the clients, training, one to one sessions or staff meetings.

4.3.56 Haven First have public consultation pages in relation to the proposed scheme. These include videos of the current site in Hitchin (the Sanctuary) and the purpose-built shelter in Stevenage. The link is below:

<https://www.havenfirstletchworth-consultation.co.uk/#Overview>

4.3.57 The proposed homeless shelter in Letchworth would have a similar level of accommodation and support services and facilities to the existing shelter in Stevenage. The proposed shelter would not only provide housing for homeless people but would provide ongoing support and training for residents enabling them to learn new life and employment skills, along with tackling any problems they may have. I understand that these additional facilities ensure a high degree of success in residents moving on to secure their own accommodation.

4.3.58 The Housing Supply Officer provided detailed comments on the application, which are copied below:

***"Under the adopted Local Plan, the affordable housing requirement on a threshold of 20 dwellings or more is 25%.***

***Following the Cabinet meeting in September 2016, public consultation and the Council meeting on 11 April 2017, the affordable housing requirement is 40% on sites which will provide 25 dwellings and above, in accordance with the proposed submission Local Plan.***

***The applicant, Haven First, is a Registered Provider and the proposals are for the provision of a homeless shelter providing rented housing and support for single homeless applicants. The accommodation will comprise en-suite bedrooms, including an accessible en-suite studio on the ground floor with a double bed that could be used by couples, if required, and one en-suite bedroom for a staff member. The shelter will include communal accommodation/ facilities and office accommodation for staff to provide extensive training opportunities and support for residents.***

***The site is not allocated and is within an employment area in the saved Local Plan and the proposed submission Local Plan. There is a lack of demand for the site's current allocated use and the site has been vacant for many years. There are residential dwellings nearby and the demand for office type accommodation is likely to be further reduced by the Covid 19 pandemic. In addition, several people will be employed by Haven First to manage the shelter and provide support and training for employment, tenancy management and life skills to support this vulnerable group of people and help them move on and sustain successful tenancies.***

***The applicant's proposals include the provision of 3 move-on units within the shelter, which is one of the key benefits of the proposed development and the provision of a "pathway" out of homelessness including support and independent living skills to prevent homelessness recurring; not just provision of emergency accommodation.***

***The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals, in accordance with the 2018 NPPF.***

***Paragraph 61 of the revised NPPF says "Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, 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 a duty to work with people to prevent and relieve homelessness.***

**The council's Homelessness and Rough Sleeping Strategy for 2019-2024** <https://www.north-herts.gov.uk/home/housing/housing-strategies-and-plans/housing-and-tenancy-strategies> (see section 5): "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 government's Rough Sleeping Strategy published in August 2018 further introduces the requirement that all local authorities explicitly consider how to tackle the problem of rough sleeping, producing homelessness and rough sleeping strategies by winter 2019."

**The provision of the new shelter would specifically help us to meet our stated priority of improving accommodation provision for single homeless people, especially those with complex support needs (para 5.37). Paras 5.14-5.19 specifically mention single homeless people and rough sleepers and the issues they face in securing decent suitable accommodation.**

**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 mental health problems. In addition, there has been an increase in rough sleepers across the district.**

**The most recent figures for those owed relief duty and of those, the number of single households:**

**Households assessed as owed a relief duty**

	2019/20			2020/21	
		Q1	Q2	Q3	Q4
<b>Q1*</b>					
<b>All households</b>	<b>42</b>	<b>50</b>	<b>52</b>	<b>75</b>	<b>98</b>
<b>of which, single adult households</b>	<b>30</b>	<b>33</b>	<b>39</b>	<b>60</b>	<b>79</b>

**Source: NHDC data submitted to MHCLG H-CLIC**

**\* not yet validated**

***The current shelter in Hitchin provides very limited accommodation comprising 17 shared rooms, which can only accommodate male applicants. The current building is in a very poor state of repair and is not fit for purpose, particularly at present due to the dormitory type nature of the facility. It is not possible for bedrooms to be shared in this way due to Covid 19 and the need for clients to meet social-distancing guidelines.***

***The current building is unsuitable to accommodate all clients in the shared project and has escalated the need to provide decent accommodation (with separate ensuite bedrooms) for single homeless men and women. Many single homeless people have had to leave the North Herts. area to access hostel accommodation because of a lack of suitable accommodation in the district. The increased number of units proposed in the new shelter will assist the council in meeting its statutory obligations.***

***The proposed location of the new shelter is ideal being within walking distance of the town centre, facilities and transport links.***

***All the units should be let to applicants with a local connection to the district of North Hertfordshire on initial and subsequent lets to ensure that the council is able to discharge its legal housing duties. The council may consider allowing access to applicants without a local connection to North Hertfordshire, subject to the needs of district being met in the first instance."***

4.3.59 The Planning Policy Officer made the following comments in relation to need for the homeless shelter:

***"The SHMA (2016) identifies a need for additional accommodation for single homeless people with support needs; offenders; people with mental health problems and people with alcohol misuse problems over the plan period. It has also been identified that alternative, existing homeless provision in Hitchin and Stevenage is not fit for purpose and has issues relating to capacity.***

***It is significant to acknowledge that the Council has a statutory duty under the Homelessness Reduction Act 2017. Additionally, the North Hertfordshire District Council Review of Homelessness (2018) states that a homeless hostel is needed within the District. Further compounding evidence is presented by the applicant from the Council's Housing Supply team that the picture relating to homelessness has since worsened as a result of the Covid 19 pandemic. I am without doubt there is an established need for a homeless shelter of this nature in the District. I would also go further in that the need for provision of this nature will require close review given the current economic circumstances, and that consideration is likely to be required for future provision, which may include new or the expansion of existing sites. This is of paramount importance given the costs to the Council in relation to temporary accommodation."***

- 4.3.60 In my view the applicant has provided compelling evidence that there is an urgent need for the proposed homeless shelter; and this is verified by the Council's Housing Supply Officer. This is a material consideration in the determination of this application. I witnessed that whilst the Sanctuary provides a vital service it is not fit for purpose, and I acknowledge that the proposed new purpose-built homeless shelter in Letchworth would be able to provide better facilities. The homeless shelter would provide a wider public benefit to North Hertfordshire.

### **Design and landscaping**

- 4.3.61 The site is currently a derelict area of land that is overgrown and subject to fly tipping. The Landscape and Urban Designer made the following comments on the original plans:

***"1.The site is located on the corner of Pixmore Avenue and Protea Way. The rectangular site has a short frontage on to Pixmore Avenue and extends back along Protea Way. It is surrounded by commercial properties although there are residential areas close by. Protea way provides access to commercial enterprises at the rear of the site.***

***2.The proposal is to erect a three-storey building, positioned in line with the building line along Pixmore Avenue. The building would be located close to the Protea Way boundary with car parking spaces provided at the front, behind a landscape strip, and private amenity space to the rear. Cycle and bin storage would be located at the side and accessible from the front. The main entrance would be off Pixmore Avenue and a footway is proposed along Protea Way to improve pedestrian access.***

***3.The footprint, scale and orientation of the building and the general external layout is fine. The small car park at the front, set behind a tree planted bed, contributes to the character of the street scene and allows a larger area to be created at the rear of the building for amenity space.***

***4.The 3D views of the proposals suggest that the site will be open at the front and that fencing will only be provided to secure the bin and cycle storage at the side and the private amenity area at the rear. The DAS indicates that the external environment is critical in delivering a successful scheme and that plants and trees are seen as providing physical and psychological relief from the built environment. In view of the importance of landscape to this scheme I would like to see details of a planting scheme for the site, together with hard surfacing materials proposed and any lighting features."***



- 4.3.62 The building would be three-storey in height. The buildings immediately surrounding the site are one and two storey commercial buildings. The buildings immediately to the north and south of the site are only two-storey, but given their commercial function with high ceilings they are high buildings. Although it is noted that the Pixmore Business Centre situated to the north along Pixmore Avenue is three storey and there is a three-storey block of apartments to the south and there are warehouse units in Protea Way. It is noted that the proposed building would have a flat roof behind a parapet to limit the overall height. In my view the proposed building would be acceptable in height, form, massing and proportions in this location. There are Garden City style commercial buildings opposite. In my view the proposed scheme would not dominate or clash with these traditional buildings and would be acceptable in this context given the modern commercial buildings that surround the site, which have little architectural value, and the mix of design of buildings in the area. The layout of the site is considered to be acceptable. The building would be set back roughly in line with the adjacent building so it would sit comfortably in the streetscene. In my view the layout of the site would be acceptable with parking and some landscaping to the front of the site, servicing areas (substation, bin storage area, cycle store, plant compound and external store) tucked in between the new building and the adjacent building to the north and a garden area wrapping around the building.
- 4.3.63 The application was accompanied by a Design and Access Statement. The Planning Statement explains the design approach adopted:

***“In terms of the detailed appearance of the building, this has been designed to incorporate a modern approach to a traditional building being converted into residential use. The proposed shelter therefore exhibits a more commercial rather than domestic appearance, which is considered appropriate given its situation and function. The building would utilise traditional materials to the exterior, with a brown brick frontage to reflect the immediately adjacent properties, but with brick at ground floor level and textured render above for the side and rear elevations. Following the receipt of feedback through the consultation process, and discussions with the Letchworth Garden City Heritage Foundation, the building incorporates a parapet roof, white window reveals within the front brick built elevation, decorative soldier courses and window transoms. These features are found amongst nearby buildings and are representative of the Garden City style, enabling the building to display an appropriate level of reflection to its surroundings, whilst still delivering a modern purpose built facility. The proposed building would accommodate solar photovoltaic panels to the roof, however, these would be set back from the roof edge and largely hidden behind the parapet. The building is therefore considered to appropriately reinforce local distinctiveness.”***

4.3.64 As such in my view this design approach is entirely appropriate and the proposal would comply with Saved Local Plan Policy 57 (Residential Guidelines and Standards), Saved Local Plan Policy 58 (Letchworth Garden City Design Principles) the proposed development would be in sympathy with the traditional buildings of Letchworth. In my view the proposal would comply with Emerging Local Plan Policy D1 (Sustainable Design) and SP9 (Design and sustainability) and Section 12 (Achieving well-designed places) of the NPPF.

4.3.65 Paragraph 130 of the NPPF states:

***“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...”***

4.3.66 Given the commercial and utilitarian nature of the adjacent buildings and the derelict state of the application site in my view the proposal would be ascendant development, as it would improve the streetscene.

4.3.67 A condition is recommended requiring samples of all external materials to be submitted and approved by the Local Planning Authority. Following discussion with the agent for the applicant, it has been agreed with the Landscape and Urban Design Officer that the planting, hard landscaping and external lighting can be dealt with by condition, given details of the proposed landscaping are shown on the submitted plans and a description of the type of planting is provided within the DAS however, providing full planting plans and external lighting plans prior to determination places additional costs on the applicant prior to determination. It is agreed that imposing conditions would require details to be submitted and considered by the Council prior to their implementation and therefore the ultimate control of these would remain with the Council. The intention is to maintain some of the larger trees on the northern edge of the site.

4.3.68 There has been a change to the layout of the site in order to accommodate a waste collection area to the front of the building. She made the following comments:

***“1. Amendments to the scheme have been submitted and are shown on Proposed Site Plan dwg no. (SK)100 rev D. These have been submitted to provide an acceptable location for a bin collection point that is within pulling distances for the bins and proximity to the highway for collection by the refuse collection operatives.***

***2. A collection point on Protea Way was considered to be less visually intrusive than a collection point on the Pixmore Avenue frontage however, Protea Way is a private road, not adopted by the Highways Authority, and therefore not a suitable location.***

**3. The proposal therefore is to create a bin collection point at the front of the site next to the car parking bays. The bin collection point will 'double-up' as an additional car parking space. The extra parking bay/bin collection point has been created by reducing the depth of the planting bed next to the new substation which allows the planting bed along the Pixmore Avenue frontage to remain the same depth. This is acceptable. However, it means that planting details for the front boundary will need to be carefully designed to ensure that the bins and parking bays are appropriately screened, and that the boundary planting enhances the character of Pixmore Avenue."**

- 4.3.69 Letchworth Garden City Heritage Foundation were consulted on this application, but no comments have been received. However, it is noted that LGCHF provided comments on initial plans and elevations and the Design and Access Statement states that: **"Following this advice, a meeting was held to review the final, revised proposals details in this report and they were found to be acceptable."**

In my view the proposed development would be acceptable in terms of design.

#### **Impact on Heritage Assets**

- 4.3.70 The site is not within the Conservation Area, but is close to the Conservation Area. The boundary runs to the west and south west of the site and includes traditional Garden City style residential properties in Ridge Road, Pix Road and the western sided of Pixmore Avenue and Ridge Avenue.
- 4.3.71 There are two Grade II Listed Buildings opposite the site on Pixmore Avenue – these listed buildings are the former St Edmundsbury Weaving Works and 124 Ridge Road. They act as a transition between the modern commercial buildings and the traditional residential properties.
- 4.3.72 The application is accompanied by a Planning Statement and the section on "Impact on Heritage Assets" describes the significance of heritage assets affected and as such has met the requirements of Paragraph 189 of the NPPF. I agree with their assessment of the significance of the nearby Listed Buildings and Conservation Area and in my view the proposal would not conflict with the conservation of any heritage assets.
- 4.3.73 The following comments are made in relation to the setting of the Listed Buildings in the Planning Statement:

**"The proposed shelter will be set well back within its plot in a position akin to the adjacent commercial buildings and not any closer to the designated heritage assets than the existing premises to the south. The scale and form of the proposed building (as set out above) would be complementary and reflective of the surrounding development and will sit comfortably within the context of the listed former Weaving Works. The setting of the former Weaving Works is not one of grand open spaces or prominence, but one practicality of location, which has seen significant and not inappropriate changes over the years. The**

***proposed development would not cause any harm to the building itself, or the way in which the building is appreciated. The listed No. 124 Ridge Road is set beyond the former Weaving Works and therefore whilst in relatively close geographical proximity, is not seen within the same context. The proposed development would not therefore have any detrimental impact upon the setting of these nearby designated heritage assets.”***

- 4.3.74 In my view the proposal would not have an adverse impact on the character and appearance of the Conservation Area and would not have an adverse impact on the setting of the nearby Listed Buildings. This is particularly given the surrounding modern commercial development, which contrasts with these traditional Garden City style buildings at present. In my view the proposed development would be more sympathetic to nearby historic assets than the existing modern commercial development around the site, as the design of the scheme has picked up design cues from surrounding Garden City style development. As such the development would not harm any Heritage Assets and would comply with Emerging Local Plan Policy HE1 (Designated heritage assets), Section 16 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990. Even if the view was taken that the proposed development were to result in less than substantial harm to a heritage asset then this would be outweighed by the public benefits of the development (providing housing and support for homeless people and making use of the site that would otherwise be likely to remain vacant) in line with Paragraph 196 of the NPPF.

#### **Impact on living conditions**

- 4.3.75 The proposed development would not have any adverse built impact on the immediate neighbouring properties. The adjacent buildings are commercial buildings with no windows immediately facing the site. The proposal would be some distance from residential properties and therefore would not have any adverse impact on the living conditions of residential properties in terms of loss of light or privacy or being dominant in the outlook they currently enjoy.
- 4.3.76 Policy 57 of the Saved Local Plan sets out the residential guidelines and standards for new residential development and Policy D3 (Protecting living conditions) of the Proposed Submission Local Plan 2011-2031 is relevant and reads as follows:

***“Planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions. Where the living conditions of proposed developments would be affected by an existing use or the living conditions of an existing development would be affected by a proposed use, the Council will consider whether there are mitigation measures that can be taken to mitigate the harm to an acceptable level. If the Council is not satisfied that mitigation proposals would address the identified harm, development proposals will not be permitted.”***

4.3.77 Paragraph 182 of the NPPF states:

***“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”***

The proposed scheme would be the ‘agent of change’ under NPPF 182 so would have to live with and / or mitigate against any adverse impacts arising from the pre-existing uses that surround it.

4.3.78 The Planning Statement comments:

***“Furthermore, the Pixmore Avenue site, whilst located within an Employment Area is towards the edge of this area and is surrounded by small to medium sized light industrial and commercial premises. There are no heavy industrial properties nearby that would cause noise, dust or vibration disturbance to future residents and similarly, the introduction of the proposed shelter in this location would not give rise to an unsatisfactory environment that could lead to incompatibility issues.”***

4.3.79 Also, there is existing residential development to the west and south of the site and including the Phoenix Park development is a relatively modern development, therefore the surrounding commercial premises currently operate fairly close to residential properties.

4.3.80 A noise survey was submitted with the application and the Environmental Health Team was consulted on the application. They have raised no objections and consider that the noise report is satisfactory and may be approved. They recommended a condition (set out below) requiring that the noise mitigation measures are implemented and maintained in accordance with the approved details thereafter. They recommended informatives (set out below) in relation to the construction phase.

4.3.81 With regard to housing standards the Environmental Health team raised no objections to the proposed development. However, they commented that the development shall need to comply with current housing standards for hostel developments. The agent has provided more information in relation to internal spacing and size standards. The Environmental Health Officer provided the following comments:

4.3.82 ***"I have had a look at the additional information supplied and am satisfied that the single rooms are a good size. No further information has been supplied on the size of the double rooms or on the facilities in the kitchen. I am assuming my comments have been noted but obviously it is cost effective to ensure room sizes are correct and kitchen services are appropriately located at the design stage."***

***No further comment has been made by the applicant on fire prevention and detection equipment for the building."***

4.3.83 This is not a reason to withhold planning permission, but I have recommended an informative to flag up this issue.

4.3.84 The information supplied does indicate a positive living environment for those rehabilitating, including the creation of accommodation that meets current needs. The proposed shared garden space provides an opportunity to bolster wellbeing and additionally reflects the aims of emerging Policy NE5 (New and improved open space).

4.3.85 As a such in my view the proposed development would not have an adverse impact on the living conditions of the occupiers of neighbouring properties or the future occupiers of the shelter.

#### **Issues regarding crime and anti-social behaviour**

4.3.86 Paragraph 127 of the NPPF states:

4.3.87 ***"Planning policies and decisions should ensure that developments... 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."***

4.3.88 Emerging Local Plan Policy D1 (Sustainable design) states that: ***"Planning permission will be granted where development proposals take all reasonable opportunities, consistent with the nature and scale of the scheme to...design-out opportunities for crime and anti-social behaviour"*** and Emerging Local Plan Policy D3 (Protecting living conditions) states: ***"Planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions."***

4.3.89 The applicant provides a Statement of Community Consultation that highlights concerns regarding potential antisocial behaviour and crime. The applicant supplies information on the limited complaints received since the opening of the Stevenage Haven as well as the management practices that would be in place with the proposed development. The Planning Statement provides the following information on this matter:

***"It is acknowledged that a number of concerns have been expressed through the public consultation forums that the proposed shelter will lead to an increase in anti-social behaviour in the area. Such concerns are recognised by Haven First and the management arrangements of the shelter are specifically tailored to prevent anti-social behaviour both within and around the site.***

***The shelter will be staffed on a 24 hours a day, 7 days a week basis with at least two members of staff on site at any time. These will be a combination of both Housing Support Workers and Management, with Management also available on-call at all times. All staff at the shelter are trained in both Health and Social Care and Health and Safety/Safeguarding, in order to be able to provide the support and assistance that residents require, and also ensure the safe running of the shelter for all staff, residents and visitors. The proposed shelter Management Plan is included at Appendix 2 for additional information.***

***Prior to being offered a place at the shelter, new residents are assessed for their suitability to ensure that they are able to accept and adhere to the terms and conditions of their Residents Licence Agreement (example included at Appendix 3 for reference) and to ensure they pose no nuisance or threat to both staff and other residents within the shelter, but also members of the public more generally. No unauthorised visitors are allowed within the shelter.***

***The Residents Licence Agreement requires all residents to adhere to the obligations set out within, including not to have in their possession any drugs; not to consume alcohol on site; not to cause any form of harassment to any other residents, staff, visitors or neighbours; not to carry out any illegal activities; and, not to admit or allow entry to anyone else (amongst others). Any failure to comply with the requirements of the Licence Agreement can result in the offer of accommodation being withdrawn.***

***In addition to providing accommodation, the shelter will also provide a mix of training and learning opportunities for residents and they are expected to attend sessions relating to Tenancy Training, where the requirement to be a 'good neighbour' within the shelter, but also when they move on to their own accommodation, is essential.***

***Haven First's experience of operating and managing the very similar shelter in Stevenage will ensure that the proposed development does not lead to instances of anti-social behaviour in the local area. The Stevenage shelter is situated in a quiet partly residential area with accessible bungalows situated immediately adjacent to the site. In the 5 years of operation of the Stevenage shelter only two complaints (both relating to loud music) have been received and both were dealt with immediately.***

***The proposed shelter will be staffed and managed appropriately to ensure its safe and 'neighbourly' operation and the prevention of anti-social behaviour connected with the shelter is of paramount importance to Haven First. Each resident is required to sign a Residents Licence Agreement upon arrival and***

***must then adhere to the obligations within this, or risk the offer of accommodation being withdrawn. The shelter will also operate under a set Management Plan to ensure that the level of amenity for nearby residents is maintained.”***

4.3.90 The Police were consulted on the application. Comments have been received from the Architectural Liaison Officer and they are copied below:

***“I note that in the Planning Statement there is mention of Paragraph 127 which mentions considering issues regarding crime, disorder and the fear of crime yet there does not appear to be any examples of how the applicant intends to address these issues. Although Letchworth is a relatively low crime area it does have issues with antisocial behaviour. There appears to be a public perception that this proposal could become a crime generator. There were similar concerns with the site in Stevenage. One of the ways to reduce the risk of this occurring, and can give service users a sense of security is to ensure that the development is accredited to the Police preferred minimum security standard that is Secured by Design (SBD). As the local Crime Prevention Design Advisor (CPDA), I was involved with the development of the Stevenage site and ensured that it was accredited to SBD. As stated earlier not only does this provide safer and more secure accommodation for service users but it will also ensure compliance with Approved Document ‘Q’ of building Regulations.***

***In addition to the above I am pleased to see that a suitable lighting plan is being devised using both columns and building mounted illuminations. I would not look to the use of bollard style lighting as these are prone to damage and, from a crime safety aspect, can blind you with their light thereby reducing your opportunities to be aware of your surroundings this, in turn, can lead to a rise in the fear of crime.***

***Given my comments above the Police Crime Prevention Design Service are not in a position to support this proposal fully and whilst, we are not looking to object we would ask that the applicant should contact the local CPDA with a view to seeking to achieve SBD accreditation for this development. Should this happen then we would fully support the application.”***

4.3.91 As such I advised the agent for the applicant to contact the local CPDA with a view to seeking to achieve SBD accreditation for this development and they provided the following response:

***“Crime Prevention and Design***

***It is noted that the comments of Hertfordshire Constabulary refer to Paragraph 127 of the National Planning Policy Framework (NPPF) and the previously submitted Planning Statement. Paragraph 127 of the NPPF relates to achieving well-designed places and with regard to crime and the fear of crime, seeks developments that:***



***'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.'***

***As is set out within the Planning Statement and its accompanying Appendices, the proposed shelter will be permanently staffed and appropriately managed to ensure that future residents of the site do not pose a nuisance to any nearby residents or occupiers. The residents will be required to sign a Residents Licence Agreement and failure to follow and accord with the terms of that Agreement could result in a termination of any offer of accommodation. It should be noted that those residing at the shelter do not have alternative options for accommodation, and the potential to lose their 'home' is a significant and effective deterrent against breaches of Licence Agreements.***

***In addition, the Management Plan for the shelter will ensure that it is staffed 24 hours a day, seven days a week, with at least 2 members of staff on duty at any one time. This not only ensures that the building itself is occupied and 'active', but that trained personnel are on hand to assist any residents with needs and to ensure a safe and welcoming environment. No unauthorised visitors are allowed within the shelter and the potential for those not resident to visit is therefore very low.***

***It is acknowledged that Hertfordshire Constabulary request that the shelter seek to achieve Secured by Design (SBD) accreditation and that the Crime Prevention and Design Service would fully support the proposed development should that occur. This is noted, however, given the additional costs associated with obtaining SBD accreditation, this is not something that is possible for the proposed development due to its charitable status.***

***However, importantly, the SBD initiative's primary purpose is to improve the security of buildings and their immediate surroundings, in order to provide safe places to live, work, shop and visit. The focus being on reducing opportunities for crime by making buildings and their immediate surroundings secure and minimising the ability for criminal access into sites/buildings. As the shelter will be staffed 24/7 the opportunities for crime against the building are minimal. This permanent staff presence, together with the modern construction of the shelter to meet the required Building Regulations standards, the secure enclosure of the rear garden area and appropriate lighting around the site, will ensure that any opportunities for criminal activity are strictly limited and unattractive.***

***The Licencing and Management measures will ensure that the shelter can operate as a 'good neighbour' and not attract, allow or condone anti-social behaviour at the site, or act as a crime generator. In addition, whilst SBD accreditation cannot be achieved, the nature of the development, its design and management will ensure that any opportunities for crime are minimised."***

4.3.92 Given the above, I do not consider it reasonable to require that the applicant achieves Secured by Design accreditation in order to grant planning permission.

4.3.93 The Inspector, North Herts Safer Neighbourhood Team, Local Policing Command was consulted on the application and provided the response set out above. I contacted him to clarify that we consulted him as well, because many of the representations received from local residents and businesses have raised concerns with regard to possible increases anti-social behaviour and crime. However, the Crime Prevention Design Advisor responded and confirmed that the Local Inspector is in agreement with the comments he had provided. Given these responses it would appear that the Police are not looking to object to the proposal for a homeless shelter in this location.

4.3.94 A key concern raised by local residents appears to be that residents of the homeless shelter may only be able to stay in the shelter overnight and have to leave the shelter during the day. I sought clarification on this matter from the agent for the applicant and they provided the following information:

***“In terms of your query below, residents are absolutely able to stay within the unit during the day, it will be open 24/7. Their licence agreement gives them a right to occupy. Residents are able to stay in their rooms, however, the unit offers numerous training/counselling/leisure sessions on site and residents are encouraged to take part in 1-2-1 or group activities to ensure social interaction. A number of the benefits of the proposed building include the ability to hold dedicated training sessions on a variety of themes/topics, the ability for residents to use the computer room for learning/research/communication/employment seeking purposes, and a communal kitchen area where residents will be encouraged to take part in cookery classes, all of which will assist in ensuring they have the skills and knowledge needed to be able to make the move back into their own accommodation.”***

4.3.95 It is noted that the Sanctuary in Hitchin does not have much space to enable residents to comfortably stay in the shelter during the day. A key difference between the proposed development and the Sanctuary in Hitchin is that the proposed shelter would provide individual (not shared bedrooms) and more communal space and activities so residents can stay on site in the day.

4.3.96 The concerns raised by local residents about the long alleyway that runs from Pixmore Avenue to Dunhams Lane and existing issues with anti-social behaviour are noted. From my site visit I could see graffiti and litter in the alleyway. It is also noted that there is also an alleyway into the Phoenix Part Estate from this long alleyway. However, in my view if there is an existing problem with anti-social behaviour in this alleyway this would not be a sustainable reason to refuse planning permission for this proposed development.

- 4.3.97 I considered whether it would be appropriate to require by condition any off site works to improve safety in this alleyway, such as improving lighting or blocking off the small alleyway which leads to the Phoenix Park estate. However, in my view such conditions would not meet the tests of a condition that they be necessary, relevant to the development to be permitted and reasonable as set out in Circular 11/95: the use of conditions in planning permissions. Requirements to carry out work off site would require the applicant to enter into a S106 agreement rather than conditions.
- 4.3.98 In my view the scheme has been mindful of designing out crime in the design of the building and evidence has been provided that these concerns would be addressed by the management of the shelter, as is the case at the Haven in Stevenage. I note the many comments raised by local residents with regard to possible crime and antisocial behaviour related to the proposed development, however in my view this is not a sustainable reason to withhold planning permission in this case.
- 4.3.99 The impact of a proposed development on crime and anti-social behaviour are a material consideration, however we would require very clear evidence that the proposed development would result in an increase in anti-social behaviour and crime in order to justify a refusal of planning permission. We would require this evidence so that a reason for refusal could be robustly defended should the decision be appealed. This evidence has not been provided by any consultees, including the Police. I am a Planning Officer and I am not qualified to provide evidence on this matter and there are no policies in the Local Plan that would support a refusal of planning permission on this basis with a lack of evidence.
- 4.3.100 In the absence of an objection from any consultees, including the Police, in my view there would not be sustainable grounds to refuse planning permission on the basis of possible increase in crime and anti-social behaviour.

### **Highways and parking**

- 4.3.101 The proposed development would involve a new vehicular crossover onto Pixmore Avenue. The Highways Authority, Hertfordshire County Council were consulted on the application. Initially they recommended that planning permission be refused as they considered that the proposed waste collection arrangements were contrary to National Planning Policy Framework and Manual for Streets, the carry distance for waste collection bins is beyond the recognised distance for the development for kerbside collection which would lead to a large vehicle obstructing the public highway for a long period of time, as a consequence the road layout would not be fit for purpose. The proposed development would therefore have been detrimental to highway safety and amenity. Following discussion amended plans were received, showing a small additional area of hardstanding to the front of the site where bins can be placed on the day of collection. On the remaining days of the week when collections are not scheduled, this area will 'double-up' as an additional car parking space. The fenced bin enclosure will remain tucked away to the north of the building for storage of bins on no collection days. The Highways Authority have withdrawn their objection and recommended conditions set out below.

4.3.102 The proposed development would provide parking for 10 cars (including 1 disabled bay and 2 with electric vehicle recharging points). The Council's SPD 'Vehicle Parking Provision at New Development' sets out the parking standards for new development. Policy T1 and appendix 4 in the ELP, also set out the parking standards. The proposed use does not really fall into any of the categories. The Planning Statement provided the following information with regard to parking:

***"The Council's SPD 'Vehicle Parking Provision at New Development' sets out the parking standards for new development. In addition, Policy T1 of the emerging Local Plan and Appendix 4 of that emerging Local Plan also set out the proposed parking standards. Whilst standards are set out for residential dwellings, care homes, residential institutions and hostels, these are not directly comparable with the proposed homeless shelter use. The proposed use constitutes a sui generis use (one 'in its own class') and neither the Council's adopted or emerging parking standards therefore provide a level of parking for a homeless shelter. The level of parking demand generated by the proposed development must therefore be considered on an individual basis.***

***The proposed car parking area to the front of the site will provide a total of 10 No. car parking spaces (with 1 No. of these being a disabled bay and 2 No. providing the ability to charge electric vehicles).***

***Given the nature of the proposed use and the situation in which future residents will find themselves in, it is highly unlikely that they will own a private vehicle. Notwithstanding this, in the unlikely event that residents do own a vehicle, they are not permitted to bring this to the site or park within close proximity of the shelter (this is ensured through both the Management Plan and Resident's Licence Agreement, see Appendices 2 and 3 respectively).***

***As residents of the homeless shelter will not be permitted to bring vehicles to the site, it is only staff and authorised visitors that are likely to generate a parking demand. The proposed shelter will employ around 19 No. people, however these staff members would work a variety of hours and shift patterns, and would not all be on site at the same time. In addition, the sustainable location of the site would allow for, and encourage, both staff and visitors to access the site by other modes of transport (foot, cycle or bus predominantly). The justification for the provision of 10 No. car parking spaces is discussed further within the submitted Transport Statement prepared by M-EC. The experience of Haven First at their Stevenage shelter (of a very similar nature and size) indicates that the provision of 10 No. spaces will ensure plentiful parking for staff and authorised visitors.***

***In relation to cycle parking, a total of 16 No. secure cycle parking spaces are proposed on the site. The parking standards within the SPD do not provide cycle standards for the development of a homeless shelter. The proposed provision of cycle parking spaces has therefore been based upon the experience of Haven First at their Stevenage shelter and a consideration of the partially comparable use of the site for a hostel. A hostel use requires 1 No. space per 3 No. bedrooms***

***and therefore the total of 41 bedrooms (including the staff bedroom) would equate to a minimum requirement of 14 No. cycle spaces. The provision therefore of 16 No. secure spaces is sufficient to accommodate the demands of the proposed development and to encourage the use of cycles by staff and visitors."***

4.3.103 The concerns raised by local residents with regard to traffic, highway safety and parking are noted. When I carried out my site visit, I noticed that Protea Way in particular had high levels of on-street parking. However, I consider that the parking proposed would be sufficient for the proposed development and lack of parking would not be a sustainable reason for refusal. The Transport Officer was consulted on the application and has confirmed that they have no objections with regard to vehicle and cycle parking.

#### **Waste management**

4.3.104 The Contract Officer, Waste and Recycling was consulted and recommended a condition that prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. As discussed above the scheme has been amended and the Contract Officer, Waste and Recycling, has confirmed that this proposal would work much better from a waste point of view and he approves of the new plans. A condition is recommended that 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.

#### **Flooding and surface water drainage**

4.3.105 The applicant's Planning Statements states that: ***"The site is within Flood Zone 1 on the Environment Agency's 'Flood Map for Planning Risk' which confirms that the land is assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). The site is identified as having a very low to low risk of surface water flooding on the Environment Agency's maps."*** The Environment Agency were consulted on the application, but no comments were received.

4.3.106 The Lead Local Flood Authority were consulted on the application and recommended refusal initially and following submission of further information recommended condition that no development shall take place until the final design of the drainage scheme is completed and sent to the Local Planning Authority for approval.

4.3.107 A copy of an Anglian Water Pre-Planning Assessment Report was submitted with the application. Anglian Water were also consulted on the application and have recommended informatives regarding assets affected and used water network.

4.3.108 As such there are no concerns with regard to flooding and surface water drainage matters.

## **Land contamination**

- 4.3.109 The Environmental Health Team were consulted on the application and made the following comments in relation to land contamination:

***“The site is located in an industrial estate area. The Design and Access Statement acknowledges this to be the site of a former factory which has been demolished; the site is now overgrown. There is the potential for ground contamination to be present on the subject site. For this reason and because of the sensitivity (residential land use) of the proposed development to the presence of land contamination, the following condition should be included:”***

The condition they recommended is set out below.

## **Air quality**

- 4.3.110 The Environmental Protection Officer (Air Quality) was consulted on the application and recommended a condition that prior to occupation, the proposed new dwelling shall incorporate 2 Electric Vehicle (EV) ready domestic charging points, as set out below. These are indicated on the plans.

## **Ecology**

- 4.3.111 The application was accompanied by a Biodiversity Survey. The Survey Report concludes that following adherence to pre-works ecology checks, mitigation and enhancement measures, no significant adverse effects on biodiversity would arise. Hertfordshire Ecology, Hertfordshire County Council, were consulted and made the following comments:

***“The site comprises dense scrub, scattered trees, hardstanding, remains of a demolished building, construction waste and fly tipping. The habitats are of site-based value and have the potential to support nesting birds and hedgehogs. One tree (T2) has low bat roosting potential. The Recommendations in the Biodiversity report should be followed to ensure protected and/or notable species are safeguarded from harm.***

***The site will be cleared to make way for the proposed development and without offsetting, this will result in biodiversity net loss. Biodiversity mitigation and enhancements are proposed to help deliver net gain; however full landscape details are not currently available, and it is therefore unknown whether sufficient uplift will be provided to achieve overall net gain.***

***The proposals for native species planting, wildflower areas, bat and bird boxes and log piles, and fencing with wildlife access holes are welcomed. To ensure measurable net gain is achieved (wholly on-site, or on- and off-site\*), further details, should be provided to demonstrate the development can deliver measurable net gain in line with NPPF and emerging Government expectations.”***

The two conditions they recommended are set out below. I have added that the Biodiversity Gain Plan be submitted prior to commencement of development.

### **Public Consultation**

- 4.3.112 The application was accompanied by a Statement of Community Consultation, which sets out the pre-application consultation carried out with the Local Planning Authority, Letchworth Garden City Heritage Foundation and members of the public via a virtual consultation event. The feedback is reported and discussed in the document.

### **Use class**

- 4.3.113 In my view a homeless shelter does not fall within a use class and is 'sui generis'. However, I have recommended a condition that permitted development rights have been removed for change of use to avoid any change of use in future which may have an impact on the area.
- 4.3.114 It is worth highlighting that this is not a site on which we would wish to permit 'mainstream' housing. If planning permission is granted for this homeless shelter it should not set a precedent for the release of land within designated employment areas for 'mainstream' housing. This application includes strong evidence to support the proposal for a homeless shelter on this site. In particular the clear need for a homeless shelter and the public benefits of the provision of this shelter weigh in the planning balance.

### **Planning obligations**

- 4.3.115 From 4th November 2006 the Council has introduced a Planning Obligations Supplementary Planning Document. This requires for planning applications for new housing make contributions to mitigate the impacts of the development. Given that the proposed homeless shelter would be meeting a community need the view has been taken that the requirement for planning contributions would be waived in this instance. The Growth and Infrastructure Team, Hertfordshire County Council, made the comments as set out above, and have not required contributions. The scheme does have a maximum combined gross floorspace of more than 1000sqm, but is one unit accommodating 40 residents, but not 10 individual units. In any case given the given the type of use and the transient nature of the use in particular it would not be expected that this type of development would be required to make contributions towards District Council and County Council services under the District Councils Planning Obligations SPD and therefore no such contributions have been sought in this case. The comments from the Growth and Infrastructure Team, Hertfordshire County Council, regarding fire hydrants are noted and in the absence of a S106 Agreement a condition has been recommended relating to fire hydrants.

## Planning balance

- 4.3.116 This site is in a designated Employment Area in both the Saved Local Plan and the Emerging Local Plan. However, the proposed homeless shelter complies with two of the exception criteria in Emerging Local Plan Policy ETC1: Appropriate uses in Employment Areas, as the proposal would bring comparable benefits to a B-class use in the same location and would make use of a site that would otherwise be likely to become or remain vacant for an extended period of time. Emerging Local Plan Policy ETC1 can be given some weight given the stage of the Local Plan process and lack of objection to this policy. The proposal has also been assessed against the applicable points set out in supporting paragraph 5.7 of this policy. It is considered that the proposal would result in employment generation on site; would not have an adverse impact on Letchworth town centre; would provide benefits to the wider community by providing accommodation and support for homeless people; the site is acceptable by non-car modes of transport; sufficient evidence has been provided clearly demonstrating that the land or premises is no longer required to meet future employment needs of the District; the land is unfeasible for employment use, based on market conditions and no other suitable sites outside designated employment areas are viable and available. The other key material consideration that weighs strongly in favour of the proposed development in the planning balance is the clear and demonstrated need for a homeless shelter in North Hertfordshire. In my view the proposal meets the social, environmental and economic objectives of the NPPF. Whilst the concerns raised by local residents are noted, it is considered that there are no sustainable reasons to withhold planning permission for the reasons set out above.

### Alternative Options

None applicable

### Pre-Commencement Conditions

- 4.4 The agreement of the applicant has been sought for the pre-commencement conditions. Members will be updated on this matter at the committee meeting.

### Climate Change Mitigation Measures

- 4.4.1 Emerging Local Plan Policy D1: Sustainable Design states that:

***“Planning permission will be granted where development proposals...take all reasonable opportunities, consistent with the nature and scale of the scheme, to reduce energy consumption and waste.”***

- 4.4.2 The proposed building would incorporate solar photovoltaic panels to the roof and would have an Air Source Heat Pump, both of which would reduce the energy take for the development.



- 4.4.3 As set out above a condition is recommended requiring EV re-charging points. The scheme would provide more cycle parking than that required by the Supplementary Planning Document.

## 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. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

4. Notwithstanding the approved plans, a detailed landscape scheme shall be submitted and approved in writing by the Local Planning Authority before development commences and the approved details shall be implemented on site. The landscape scheme shall include the following :

a) which, if any, of the existing vegetation is to be removed and which is to be retained

- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure, and any hardscaping proposed
- d) details of any earthworks proposed

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development.

- 5. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

- 6. Prior to the commencement 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.

- 7. The proposed on-site facilities for waste storage and collection (including waste for recycling) as shown on the approved plans (drawing no. (SK) 100 Rev. D) 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.

- 8. Before the occupation of any of the shelter hereby permitted, the car parking facilities shown on the approved site plan drawing no. (SK) 100 Rev. D shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

9. Prior to the first occupation of the development hereby permitted the main vehicular access shall be provided and retained at the position shown on the approved drawing number (SK)100 revision D.

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

10. Prior to the first occupation of the development hereby permitted the existing disused access that is not being retained shall be closed and the footway and restricted parking (single yellow line) markings shall be reinstated along the frontage of the site to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

11. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.  
The Construction Management Plan of:
- Construction vehicle numbers, type, routing;
  - Access arrangements to the site;
  - Traffic management requirements
  - Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
  - Siting and details of wheel washing facilities;
  - Cleaning of site entrances, site tracks and the adjacent public highway;
  - Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
  - Provision of sufficient on-site parking prior to commencement of construction activities;
  - Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - where works cannot be contained wholly within the site a plan should be submitted 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.

12. 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.

13. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;

(ii) The results from the application of an appropriate risk assessment methodology

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(d) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

14. Prior to the first occupation of the development, the noise mitigation measures detailed in Table 4 of "Pixmore Avenue Noise Assessment", Report reference 9963-RAM-YA-RP-00001 Rev P02 dated 3rd July 2020 by Ramboll.com. shall be implemented. The measures shall be maintained in accordance with the approved details thereafter.

Reason: To protect the residential amenity of future residents.

15. No development shall take place until details of a scheme for the provision of fire hydrants to serve the relevant phases of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the necessary infrastructure for the development is in place and to meet the requirements of the fire authority.

16. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Surface Water Drainage Strategy carried out by Solution Consulting Civil & Structural Engineers, Job No. 1039, dated July 2020, the additional Pre-Planning Assessment Report conducted by Anglian Water, dated 03 December 2020. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

1. Detailed infiltration testing to BRE Digest 365 standards carried out at the location and depth of the proposed soakaway feature.

2. Should infiltration prove to not be a viable discharge method then a drainage scheme relating to connection into the public surface water sewer should be submitted with a limited discharge rate of 2 l/s and any surface water attenuation required.

3. Final detailed drainage layout for the proposed development site which indicate the size, volume, depth of the SuDS features including any connecting pipe runs.

4. Detailed engineered drawings of all the proposed features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change events.

5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site.

17. The recommendations for survey and mitigation works as set out in the Biodiversity Report (by FOA Ecology dated June 2020) submitted with the application shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance biodiversity on the site.

18. A Biodiversity Gain Plan shall be prepared, detailing how measurable net gain will be achieved. Prior to commencement of development the plan shall be submitted to the Local Planning Authority for written approval and the development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority."

Reason: To demonstrate the expectations of NPPF in achieving net gain for biodiversity have been met in accordance with national and local policies.

**Proactive Statement:**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and 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.

**Informative/s:**

1. EV CHARGING POINT SPECIFICATION INFORMATIVE:

Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments).

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed determination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

## 2. HIGHWAYS INFORMATIVE

HCC recommends inclusion of the following highway informative to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

Construction standards for works within the highway: All works to be undertaken on the adjoining highway shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire - Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website;

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

or by telephoning 0300 1234047.

## 3. ENVIRONMENTAL HEALTH INFORMATIVES

During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

## 4. HOUSING STANDARDS INFORMATIVE

As each kitchen is shared by 10 residents there should be two cookers, at least two fridge freezers and two sinks with drainers per kitchen these should be spaced apart from each other to ensure ease of use. From a housing point of view it does not come within the definition of an HMO, as Haven First are a Registered Provider although a full fire risk assessment must be completed. Although this does not come within the legal definition of an HMO, there are minimum standards which would expect a single room to be at least 6.5m<sup>2</sup> and a double room to be at least 11m<sup>2</sup> of useable floor space.

## 5. ANGLIAN WATER INFORMATIVES

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

## 6. USE CLASS INFORMATIVE

A homeless shelter does not fall within a Use Class as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) and is a 'sui generis' use (a use falling 'in a class of its own'). Therefore, planning permission would be required for any change of use of the approved development.