

ITEM NO:	<u>Location:</u>	Odyssey Health Club, Old Knebworth Lane, Knebworth, SG2 8DU
	<u>Applicant:</u>	Odyssey Group Holdings Ltd
	<u>Proposal:</u>	Residential redevelopment of the site to provide 70 dwellings (14 x 2 bedroom houses; 19 x 3 bedroom houses and 9 x 4 bedroom houses; 16 x one bedroom apartments; 12 x 2 bedroom apartments), associated landscaping, car parking and the creation of a new vehicular access off the B197 Stevenage Road following demolition of the former indoor bowling building and several ancillary buildings. Rearrangement of the existing car parking provision for existing Odyssey Health and Racquet Club to provide 141 car parking spaces and alterations to existing vehicular access to Odyssey Health Club from Old Knebworth Lane.
	<u>Ref. No:</u>	16/00813/ 1
	<u>Officer:</u>	Simon Ellis

Date of expiry of statutory period: 08 July 2016

Reason for Delay

Negotiations between officers and the applicant regarding the economic viability of the scheme and delivery of affordable housing. The statutory expiry date has been extended to allow for these discussions. An extension has been agreed to 31 October 2016.

Reason for Referral to Committee

As the site area for this residential scheme is over 0.5ha this planning application must be determined by the Planning Control Committee under the Council's constitution and scheme of delegation.

1.0 Relevant History

- 1.1 Planning application no. 15/02518/1: **Residential redevelopment of site to provide 80 dwellings comprising 16 x 1 bedroom apartments, 12 x 2 bedroom apartments and 16 x 2 bedroom dwellings, 29 x 3 bedroom dwellings and 7 x 4 bedroom dwellings, associated car parking spaces, new vehicular access onto the B197 Stevenage Road, landscaping and ancillary works following demolition of the former indoor bowling building and several ancillary buildings. Rearrangement of existing car parking provision for existing Odyssey Health and Racquet Club to provide 144 car parking spaces and alterations to existing vehicular access to Odyssey Health Club from Old Knebworth Lane.**
- 1.2 This planning application was submitted on 25 September 2015. Following discussions between the applicant and officers the applicant decided to withdraw this planning application on 10 February 2016. Officers advised the applicant that in their view the scheme was too large to justify the extent of redevelopment of this previously developed site in the Green Belt and that a smaller scheme may be more acceptable.

- 1.3 This current application is the applicants attempt to overcome the concerns that were expressed to them by officers.

2.0 Policies

- 2.1 **North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies):**
Policy 2 'Green Belt'
Policy 29A 'Affordable Housing for Urban Local Needs'
Policy 51 'Development Effects and Planning Gain'
Policy 55 'Car Parking Standards'
Policy 57 'Residential Guidelines and Standards'
- 2.2 **Supplementary Planning Guidance:**
'Planning Obligations Supplementary Planning Document'
'Vehicle Parking At New Development Supplementary Planning Document'
- 2.3 **National Planning Policy Framework (NPPF):**
Section 1 'Delivering Sustainable Development'
Section 6 'Delivering a Wide Choice of High Quality Homes'
Section 7 'Requiring Good Design'
Section 9 'Protecting the Green Belt'
- 2.4 **Local Plan 2011-2031 (submission version agreed by Cabinet 26.09.16):**
Policy SP1 'Sustainable Development in North Hertfordshire'
Policy SP5 'Countryside and Green Belt'
Policy SP7 'Infrastructure Requirements and Developer Contributions'
Policy SP8 'Housing'
Policy SP9 'Design and Sustainability'
Policy T1 'Assessment of Transport Matters'
Policy T2 'Parking'
Policy HS2 'Affordable Housing'
Policy HS3 'Housing Mix'
Policy D1 'Sustainable Design'
Policy D3 'Protecting Living Conditions'
Policy D4 'Air Quality'
Policy NE5 'New and Improved Public Open Space and Biodiversity'
Policy NE8 'Reducing Flood Risk'
Policy NE9 'Sustainable Drainage Systems'
Policy NE11 'Contaminated Land'

3.0 Representations

- 3.1 **Lead Local Flood Authority (LLFA):**
After extensive negotiations to address original concerns the LLFA have withdrawn earlier objections and now recommend suitably worded conditions which are set out below (**see recommended conditions 9 and 10**).
- 3.2 **Hertfordshire County Council (Highways):**
No objections. Recommend conditions and informatives set out below and a fixed sum of £25,000 towards new bus stops to serve the development (**see recommended conditions 14-19**).
- 3.3 **Hertfordshire Ecology:**
Have examined the applicant's habitat survey and considers the survey to be reliable. No objections, recommends various conditions requiring additional survey work where necessary and appropriate tree planting as part of a wider landscaping scheme. Such conditions are set out below (**see recommended condition 4 and 20**).

- 3.4 **Hertfordshire County Council (Planning Obligations Team):**
Require standard toolkit financial contributions towards Primary school provision (expansion of Shephaldury Primary School from 1FE to 2FE); Secondary school provision (expansion of Barclay School from 6.5FE to 7FE); and Library provision (ICT upgrade in Knebworth Library).
- 3.5 **Hertfordshire Police (Architectural Liaison Officer):**
No objections but recommends secure by design accreditations is achieved with this scheme. Such a requirements is recommended by condition set out below (**see recommended condition no. 22**).
- 3.6 **Hertfordshire and Middlesex Wildlife Trust:**
Request a condition is imposed requiring an ecological design strategy for the scheme (see recommended condition no. 23).
- 3.7 **Environmental Protection Officer (Contaminated Land and Air Quality):**
Recommends the standard 3 phase contaminated land condition which is set out below and an electric vehicle recharging condition to address air quality impacts of the development scheme, also set out below (**see recommended conditions 21 and 24**).
- 3.8 **Environmental Health Officer (Noise):**
Follows extensive discussion between environmental health officers and the applicant. Has examined the applicants' noise survey and raised particular concerns about residential development in proximity to the mainline railway. Following these discussions is now satisfied with the survey outcomes and raises no objection to the development but recommends various conditions which are set out below (**see recommended conditions 11-13**).
- 3.9 **Environment Agency:**
No comments received any updates to be reported orally.
- 3.10 **Affinity Water:**
Comment that the development site is located within a ground water source protection zone and any development should be carried out to a standard that prevents ground water contamination risk. This aspect is covered by the standard contamination condition set out below (**see recommended condition 21**).
- 3.11 **Councils' Viability Consultant (advising on affordable housing and other S106 matters):**
The applicant submitted evidence to demonstrate that the scheme was insufficiently viable to deliver the full policy compliant amount of affordable housing on the site. In accordance with the requirements of Planning Obligations SPD the Council therefore employed (at the applicant's expense) the services of specialist viability consultants to examine the evidence and advise accordingly on what would be a reasonable and viable level of affordable housing.

The process of negotiations has been extensive and the applicant has moved from an opening position of either 3 no. (total) affordable rented units, 7 no. shared ownership units or 18 no. starter homes; to a position of agreeing 25% affordable housing on site across the scheme consisting of 12 no. (65% of the 25%) affordable rented units (6 no. one bedroom flats and 6 no. two bedroom flats in one managed block) and 6 no. one and two bedroom shared ownership units.

The Council's appointed viability experts consider that this level of affordable housing provision on site is just viable and anymore would in their view render the scheme undeliverable.

3.12 Housing Enabling Officer:

Supports the findings of the Council's appointed consultant and argues that the agreed affordable housing offer is the best that can be achieved on this site. Advises that Registered Providers are unlikely to be willing to manage affordable rented accommodation unless it is within one managed apartment block. On this basis the applicant has agreed to provide the required 12 no. affordable rented units in one of the proposed two apartment blocks which is for 12 units in total.

3.13 Urban Design and Landscape Officer:

Considers that the development proposal is rather dense and lacks open space and structural landscaping within the scheme. The proposed new access onto Knebworth Lane is a significant intervention which would have an impact on the character of the locality. The open space needs to be maintained and retained for the benefit of residents and landscaping proposals need to be strengthened (**see recommended condition 4**).

3.14 Knebworth Parish Council:

Object to the proposed development on the following grounds:

1. The development is in the Green Belt and special circumstances have not been demonstrated. The Design and Access statement states that the site has a long standing history of development. This development relates to recreational pursuits which have always been permissible in Green Belt.
2. The Green Belt between Stevenage and Knebworth is fragile.
3. This is a dense urban development, at 68 dwellings per hectare, attached to Stevenage and not the village of Knebworth.
4. The railway line is the parish boundary and forms a natural defensible boundary between Stevenage and Knebworth. Breaching the boundary could lead to coalescence;
there are no guarantees that development of the wild flower meadow, south of the site, will not be sought for more recreational pursuits, with associated building, or more dwellings.
5. The proposed new access road and roundabout will have a significant impact on the Green Belt. A previous planning application for a new access road on the B197 to Odyssey was refused at appeal.
6. The roundabout will have an impact on traffic flows and congestion on the B197. The basis for future traffic flows is flawed as they have been based on monitoring of the A602 which has east west traffic flows. The B197 flows north south and is the relief road for the A1 (M) which has nearly 40,000 traffic movements per day. HCC's traffic forecast to 2031 has identified that there will be pressure on the B197 in this area.
7. The roundabout provides improved access to site 56 which has previously sought development. Permission for this application will set a precedent.
8. Parking provision does not meet NHDC parking standards. The design and access statement states that there are 13512 car parking spaces provided. From the drawings there appear to be only 119 spaces provided for the development of 70 dwellings. According to NHDC parking standards there should be 124 parking spaces plus 18 to 53 visitor parking spaces. The required provision should therefore range from 142-175 spaces. The Knebworth Gate development, the other side of the railway and within Stevenage, often has cars parked on the access to the site due to inadequate parking provision. Clear evidence has not been provided that residents and visitor parking demand will not exceed the parking provided.
9. Garages are only provided in house type C1, of which there are six. The internal dimensions of the garage are 2.7m x 5.8m which does not comply with the minimum size required by the New Vehicle Parking SPD and should therefore be discounted for parking provision. Any garage in this development could be converted to residential use.
10. Users of the Health Club are likely to park in the development rather than go via Old Knebworth Lane. This would exacerbate the parking problem and increase the traffic on the roundabout. Ultimately there is nothing to prevent the access to the Health Club car park being accessible from this

development and the existing access closed.

11. The location of the pocket park is not obvious on the drawings.

12. It is highly likely that many of the residents would commute into London from Knebworth; the proximity of the station is highlighted in the DAS. This will exacerbate existing parking problems in the village with no mitigating measures.

3.15 In the event that the development goes ahead Knebworth Parish Council would like to see S106 conditions towards a number of facilities, including improved play space, pitch sport, GP surgeries, schools and allotment provision.

3.16 **Stevenage Borough Council:**

Advises that the Council needs to satisfy itself that this development proposal is acceptable in relation to Green Belt policy and highway safety implications along Knebworth Lane.

3.17 **Response to Site Notice, Press Notice and Neighbour Consultation:**

Nothing received.

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site consists of part of Odyssey Health Club located to the west of the B197, south of the mainline railway and just south of Stevenage.

4.1.2 The planning application site consists of most of the Health Club grounds, including the disused bowls club, five-a-side football area, car parks and disused land and buildings. The site excludes the existing main health club building and outdoor tennis courts which remain in full operation.

4.2 Proposal

4.2.1 Full planning permission is sought for the complete redevelopment of the application site (as explained above excluding the main health club building and outdoor tennis courts) to provide 70 no. dwellings, associated infrastructure, open space and a new vehicle access to the site from the B197.

4.2.2 The key elements of the development scheme include a new replacement car park for the remaining Health Club facility which would be located in the position of the former lawn bowls club, this would involve the creation of new hard standing and provision of a 141 space car park. The proposal also involves a new pocket park play area close to the proposed two blocks of 12 no. one and two bedroom flats. The remainder of the scheme is a mixture of two and three storey houses and flats surrounding a close, with private car parking accessed off the street.

4.3 Key Issues

4.3.1 Taking account of the provisions of the development plan, National and emerging Local Plan policies and the representations received from all interested parties detailed above I consider the key issues to be addressed in relation to determination of this planning application are as follows:

* Whether the proposed development is acceptable in principle considering the site location within the designated Green Belt;

* Whether the proposed development represents an acceptable standard of design and layout in relation to the site and the character of the wider area;

* Whether living conditions for future occupiers of the development would be acceptable;

* Whether the highway and car parking implications of the proposed development are acceptable and in accordance with adopted standards;

* Whether the necessary S106 contributions can be delivered and in particular, whether the proposed level of affordable housing is acceptable taking account of the economic viability of the scheme against development plan and emerging Local Plan policy on affordable housing delivery.

The report will now address these key issues in turn.

4.3.2 **The Principle of Development**

Saved Local Plan Policy 2 'Green Belt' only allows for appropriate development in Green Belt locations. Emerging Local Plan Policy SP5 also:

'Will only allow permit development proposals in the Green Belt where they would not result in inappropriate development.'

4.3.3 Requirements for the creation of new Local Plans post 2012 state that Local Plan policies need not repeat central government planning policy set out in the National Planning Policy Framework (NPPF). Therefore in order to establish whether this development proposal is inappropriate development in the Green Belt or not, it must be carefully assessed against the relevant section of the NPPF.

4.3.4 Paragraph 89 of the NPPF states that a local planning authority must regard the construction of new buildings as inappropriate development in the Green Belt. It then lists a series of exceptions to inappropriate development including the following:

'Limited in-filling or partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

4.3.5 The definition of 'previously development land' is set out in Annex 2 of the NPPF which states the following:

'Land which is or was occupied by a permanent structure, including the curtilage of the land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.'

4.3.6 I consider that the application site (excluding the green space to the south of the existing five-a-side) football pitches can be classified as previously developed land. The proposal is for the complete redevelopment of application site and the test therefore to determine whether the proposal amounts to inappropriate development in the Green Belt is whether the development would have a greater impact on the openness of the Green Belt and the purposes of including land within it than existing development.

4.3.7 In addressing this question it is necessary to consider a number of factors, the extent and spread of the proposed development compared to existing development (encroachment on openness being a key factor in relation to Green Belt), the volume of development although this is less important as openness relates to the extent of built development on land rather than visual impact of height and mass for example and whether any existing areas of hard standing or installations can be converted back to open space as part of the wider development scheme.

4.3.8 In relation to these factors I consider that the spread of new development on the site is similar in extent to the existing buildings and infrastructure that would be lost. The volume of buildings would be clearly greater than the total volume of existing buildings removed. New areas of open space would be created and some lost; for example the abandoned bowling green would become a new car park for the

remaining Health Club but conversely larger sized existing car parks and disused areas of hard standing and hard courts would be returned to green space thus enhancing the openness of these parts of the site.

- 4.3.9 The main additional intervention as a result of this development proposal is the proposed new vehicle access and associated junction changes to access the site off the B197. This would extend the extent of development beyond the confines of the site and lead to the loss of hedgerows close to the new junction. Moreover, this stretch of road would arguably become more urban, although the main housing development would remain behind the hedgerow and would not have a new street frontage onto the B197.
- 4.3.10 To consider why it is necessary to create a new vehicular access off the main road it is necessary to assess the suitability of the existing and only vehicular access to the site at present. This access off Knebworth Lane to the north of application site has a very steep gradient and would continue to be the main vehicular access to the Health Club. In my view the access would not be safe to be used as the main access to the Health Club and the proposed housing development. On this basis if the principle of new housing is accepted on this previously developed site it becomes apparent that a new and separate vehicular access to the existing Health Club access is required.
- 4.3.11 To conclude therefore on whether the development proposal amounts to inappropriate development; I consider that on balance the proposed housing development set out in this revised application is not inappropriate development in the Green Belt in that it would not have a greater impact than existing development on the openness of the Green Belt.
- 4.3.12 I do however consider that the proposed new access onto the B197 is inappropriate development in the Green Belt which is harmful to the purposes of the Green Belt by reason of inappropriateness. Inappropriate development can only be permitted where there are 'very special circumstances'. I consider that the necessity to provide a safe and convenient new vehicular access to this housing development amounts to very special circumstances in respect of the access. Very special circumstances must be unique to the development and not repeatable. It is in my view the particulate circumstances of poor existing access to the site that make this argument unique to this development proposal. These very special circumstances are not needed to justify the housing development itself in my view which as I conclude above is not inappropriate development. However, it is clear to me that if housing is to be permitted anywhere on this site it is necessary to create a new, separate and safe vehicular access rather than relying on the existing access. This in my view justifies the new access which is inappropriate development in itself.
- 4.3.13 On this basis I conclude that the proposed development is acceptable in principle and in compliance with Green Belt policy.
- 4.3.14 **Quality of Design and Layout**

The proposed development would have a coherent layout and appropriate mix of flats and houses. Where space for landscape is lacking, taking account of the comments expressed by the Council's urban design and landscape officer detailed above, this is largely as a result of the need to site the development in the space that is occupied by existing buildings and infrastructure. To create a less dense form of development would involve a greater development spread, more encroachment in the Green Belt and potentially render the scheme unacceptable in principle. Having said that the scheme creates a renewed area of open space to the south of the tennis courts and the proposed housing. The long term maintenance of this open space can be retained via provisions in a S106 Obligation to ensure that the open space is maintained as public open space for use by residents and accessible to the wider public. If counting this large area of open

space with appropriate landscaping I consider that the development scheme would benefit from more than adequate open green space to comply with existing and emerging standards (new green space standards associated with the emerging Local Plan are the time of writing not yet published).

4.3.15 Addressing the concerns of Knebworth Parish Council about potential future housing development on the wider green space, Members will be aware that each planning application must be considered on its merits and no housing is currently proposed on this land. It can also be assured through appropriate provisions of a S106 Obligation that this area of open space must be retained and maintained for that purpose were Members minded to grant permission for this development proposal.

4.3.16 I can also advise Members that the wider site was put forward as a housing allocation in the emerging Local Plan. However, the site has not been included for inclusion as a housing allocation which would have meant removal from the Green Belt under the Green Belt review. On this basis and unless advised by the appointed Inspector to allocate this site (at Examination in Public on the Local Plan), the whole site would remain in the Green Belt for the current plan period (2011-2031) and as such any future application for housing on the current green space would be judged against Green Belt policy which in my view would be difficult to justify any further housing on the site beyond that which is proposed in this planning application for the clear reason that any more housing development here would under current national policy amount to inappropriate development.

4.3.17 Turning to the detailed design of the proposed development; I consider that the design quality of the development is of a reasonable standard. This must be balanced against the fact that the site is self contained and due to the physical characteristics of the site and surroundings the development need not and cannot integrate with surrounding urban form which is in any event a complete mix of land uses and building types.

4.3.18 In conclusion I consider that the overall design and layout of the scheme is of a sufficiently high standard, it presents a coherent and useable residential layout, and future residents can benefit from an improved and accessible area of public open space.

4.3.19 **Living Conditions**

In my view the proposal would provide sufficient private, semi-private and public open space for future residents. The layout and spacing of buildings is such that reasonable standards of privacy and outlook would be maintained within the development scheme. It has taken considerable dialogue between the applicant's consultants and the Council's Environmental Health officers to ensure that the noise climate within the development scheme, close to the noise impacts of the mainline railway, can be mitigated and suitably worded recommended conditions to address this issue are set out below. In this and in all other technical aspects such as flood risk and contamination, with appropriate worded conditions, the proposed development can deliver a safe and suitable living environment for future residents.

4.3.20 **Car Parking and Highway Considerations**

The proposed development would establish at least 2 car parking spaces for every three or four bedroom dwelling; 1 space for each one bedroom flat and an average of 1.5 spaces for each two bedroom flat or house. Together with visitor spaces this amounts to 135 car parking spaces for 70 dwellings proposed. This equates to over 2 spaces per 2 or more bedroom dwelling and 1 space per one bedroom dwelling and 11 additional spaces. There would also remain a 141 space car park for the proposed health club. This provision would technically comply with the Council's adopted standards in that there would be more than 2 spaces for each two or more bedroom dwelling and 1 space for each one bedroom dwelling; there would

however be a deficiency in visitor spaces. However, in my view since there are no objections from the highway authority to this element of the scheme or indeed any of the proposed wider highway alterations I consider that the proposed development is acceptable both in terms of car parking provision and effects on the wider highway network.

4.3.21 **Affordable Housing**

As is mentioned above, there have been extensive negotiations between the applicants consultants, the Council's viability consultants and officers to establish an agreed level of affordable housing provision. Having carefully and independently interrogated the applicant's evidence on viability the Council's consultants have concluded that the maximum proportion of affordable housing that can reasonably be delivered from this scheme is 25%.

4.3.22 Following further discussion with the Council's housing enabling officer the break down of the 25% offer would comply with the Planning Obligations SPD requirement of 65% rent/35 other affordable housing tenure (such as shared ownership). In actual terms for a 70 dwelling scheme the break down is as follows: 6 no. one bedroom and 6 no. two bedroom flats as affordable rent, within one managed block and 6 no. one and two bedroom shared ownership flats to be provided else where in the scheme. This level of affordable housing has been agreed by the applicant, supported by the Council's viability consultants as the most that can be expected given the viability of the scheme and agreed by the Council's housing enabling officer as a manageable and deliverable level of affordable housing associated with this development.

4.3.23 The eventual negotiated outcome of 25% affordable also accords with the requirements of saved Local Plan Policy 29A which requires 25% affordable housing on schemes of 20 dwellings or more.

4.3.24 It is however necessary to give some weight to emerging Local Plan Policy contained in the submission draft Local Plan endorsed by Full Council on 17 July 2016 and Cabinet on 26 September 2016. Policy HS2 of this document would require a level of affordable housing from this development of 40%. Whilst this policy and indeed the whole Local Plan is subject to a further round of public consultation in late October to end of November 2016 and then must be endorsed by Full Council before being submitted to the Secretary of State for examination, paragraph 216 of the NPPF allows decision makers to give weight to policies in emerging Local Plans in decision making. Giving due weight to this policy the proposed affordable housing associated with this development is deficient.

4.3.25 The supporting text of the policy does however state that:

'We will robustly examine any schemes which seek to make affordable housing provision at below target levels.'

4.3.26 Through extensive dialogue and detailed advice I have received from the Council's independently appointed viability consultants I consider that the applicant's viability evidence has been robustly examined. Moreover, the eventual offer does actually comply with the saved Local Plan affordable housing policy. On this basis and giving some weight to the emerging affordable housing policy I am satisfied that the affordable housing proposal which has been negotiated is the best that can be achieved for this development scheme.

4.3.27 **Other S106 Requirements**

Including the affordable housing element detailed above I set out below for ease of reference a table incorporating the complete elements of the agreed heads of terms between the applicant and officers for a proposed S106 Obligation should Members be minded to grant planning permission for this scheme:

Element	Detail and Justification	Condition / S106
Affordable Housing	<p>25% affordable housing across the scheme based on 65% affordable rent and 35% other affordable housing tenure based on the following:</p> <p>Rented units to comprise 6 no. one bedroom apartments and 6 no. two bedroom apartments to be managed by a Registered Provider in one block of 12 no. apartments.</p> <p>The Intermediate tenure units should comprise:</p> <p>6 no. one or two bedroom apartments</p> <p>Saved Policy 29A of the North Hertfordshire District Local Plan No., 2 with Alteration. Submission draft Local Plan Policy HS2, evidence within the SHMA and Planning Obligations SPD</p>	S106 Obligation
Primary Education Contributions	<p>Full contribution based on Table 2 of the HCC toolkit index linked to PUBSEC 175, to be used towards the expansion of Shephalbury Park Primary School. Amount totals before index linking: £116,539</p> <p>Policy 51 of North Hertfordshire District Local Plan No. 2 – with Alterations, Planning Obligations SPD and HCC toolkit</p>	S106 Obligation
Secondary Education Contributions	<p>Full contribution based on Table 2 of the HCC toolkit index linked to PUBSEC 175, to be used towards the expansion of The Barclay School. Amount totals before index linking: £102,528</p> <p>Policy 51 of North Hertfordshire District Local Plan No. 2 – with Alterations, Planning Obligations SPD and HCC toolkit</p>	S106 Obligation
Library Services	<p>Full contribution based on Table 2 of the HCC toolkit index linked to PUBSEC 175, to be used towards new ICT equipment at Knebworth Library. Total amount before index linking: £9,483</p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 – with Alterations, Planning Obligations SPD and HCC toolkit</p>	S106 Obligation
Fire Hydrant	<p>Provision across the site in accordance with standard wording</p> <p>Policy 51 of North Hertfordshire District Local Plan No. 2 – with Alterations, Planning Obligations SPD</p>	Condition
Sustainable transport / highway contributions	<p>£25,00 fixed sum towards provision of new bus stops to serve the development scheme</p>	S106 Obligation

	Policy 51 of North Hertfordshire District Local Plan No. 2 – with Alterations, Planning Obligations SPD	
Green Travel Plan	Residential green travel plan NPPF	S106 Obligation or condition
Waste Collection and Recycling	£71 per dwelling index linked in accordance with SPD. Total before index linking: £4,970 Policy 51 of the North Hertfordshire District Local Plan No. 2 – with Alterations, Planning Obligations SPD	S106 Obligation
NHDC Play space contribution	In accordance with formula within the Planning Obligations SPD towards play space and equipment improvements in Knebworth. Total before index linking £31,408.44 Policy 51 of the North Hertfordshire District Local Plan No. 2 – with Alterations, Planning Obligations SPD	S106 Obligation
NHDC Open Space contribution	In accordance with formula within the Planning Obligations SPD towards open space enhancement within Knebworth. Total before index linking £21,056.95	S106 Obligation
Open Space management and maintenance arrangements	Private management company to secure timing, delivery and maintenance arrangements within an agreed scheme for entire open space on site including field adjacent to housing development. Include provision of public open space in perpetuity Policy 51 of North Hertfordshire District Local Plan No. 2 – with Alterations, Planning Obligations SPD	S106 Obligation

4.3.28 The secure delivery of these elements of a comprehensive S106 Obligation between the applicant, North Hertfordshire District Council and Hertfordshire County Council would in my view ensure that the impacts of this development scheme on local infrastructure would be mitigated. On this basis the development scheme would be sustainable.

4.4 Conclusion

4.4.1 Following careful negotiations between the applicant, officers, external consultees and appointed independent consultants over a prolonged period I consider that this development proposal is acceptable in principle, on the basis that it represents a redevelopment of previously developed land in the Green Belt, which is not inappropriate. The element of the scheme that is inappropriate is necessary on the basis of very special circumstances. The scheme in of itself is of a sufficiently high standard of design and layout and agreed affordable housing deliver is the most that can be achieved following a robust examination of the applicant's viability evidence by the Council's appointed consultants. On this basis, on balance, I recommend that planning permission be granted for this important residential scheme that can deliver 70 much needed dwellings in this sustainable, edge of urban location.

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; to no objections from the Environment Agency; to the applicant entering the necessary S106 Obligation with the Council to secure the delivery of additional services and infrastructure set out in the table above and to the applicant agreeing any necessary extensions to the Statutory determination period to allow the completion of the S106 Obligation:

6.2 In the event that the applicant fails to agree any necessary extensions to the statutory determination that powers are delegated to the Development and Conservation Manager to refuse planning permission on the basis of absence of completed S106 Obligation:

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. **Prior to the commencement of the development hereby permitted full details of hard and soft landscaping associated with the development shall be submitted to and approved in writing by the Local Planning Authority. Such details 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

All associated hard landscaping shall be laid out in accordance with the approved details or particulars prior to the first occupation of the development hereby permitted and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

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

5. The approved details of soft 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. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

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

7. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class (es) A-F of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

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

9. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) prepared by RMA Environment for ENTRAN Limited, on 24th June 2016 and the following mitigation measures as detailed within the FRA :

- The use of permeable paving and porous sub base for the health club element and an infiltration basin for the residential element, in accordance with the drawing named Drainage Strategy, dated 18/07/2016 under the project number RMA – C189.

- Providing the appropriate levels of treatment train
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority (LPA).

Reason: To prevent flooding by ensuring the satisfactory storage of surface water from the site.

10. **No development shall take place until a detailed surface water drainage scheme for the development site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:**

- Fully detailed drainage plan showing the location, size and engineering details of the proposed SuDS, and supporting calculations.
- Evidence that ground conditions are suitable for an infiltration-based scheme, providing the results of infiltration tests to be conducted to BRE Digest 365 standards
- Confirmation of maintenance/adoption plan for all the SuDS that will be implemented. The maintenance/management plan should be consistent with the latest edition of the CIRIA SuDS manual

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

11. **Prior to the commencement of the development, the developer shall submit a scheme of sound insulation and noise control measures for the Council's written approval based on the findings of the Entran Limited report reference E1724 dated 23rd March 2016 (Odyssey Group Holdings Ltd, Old Knebworth Lane, Stevenage, SG2 8DU- Noise Assessment). The approved scheme shall be fully implemented prior to first occupation and once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.**

Reason: to protect the amenities of future residents.

12. **A detailed lighting scheme shall be undertaken and submitted to the Local Planning Authority for approval with details of all external lighting required for the re-arranged car park serving the Odyssey Health and Racquet Club and there shall be no external illumination erected, installed or operated on any part of this area other than in accordance with these approved details.**

Reason: to protect the amenities of future residents.

13. The following limits shall not be exceeded by the exterior light installations for the re-arranged car park serving the Odyssey Health and Racquet Club:

Sky Glow ULR (Max%) 5.0

Max light into windows Ev (lux)
07.00- 23.00hrs 10

23.00- 07.00hrs 2

Source Intensity I(kcd)

07.00- 23.00hrs 10

23.00- 07.00hrs 1

Building Luminance 07.00- 23.00hrs

Average, L (cd/m²) 10

Reason: to protect the amenities of future residents.

14. **The development hereby permitted shall not commence until the proposed roundabout access works have been provided as identified on the 'in principle' roundabout access arrangement drawing numbered SK 11 revision A which shall include proposed additional bus stops that are to be placed along the Stevenage Road as part of the application. These will need to be connected to the development's footways with easy access kerbs and shelters are provided as appropriate. The exact location of the bus stops and accommodating works such as additional footways, crossing points, white lining and directional signing will need to be agreed in conjunction with appropriate parties these facilities shall meet appropriate accessibility standards and be constructed as in accordance with the details as contained on the Herts Direct web site. These works shall be secured and undertaken as part of the S278 works with the ultimate design being technically approved prior to commencement on site to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.**

Reason: In the interests of highway safety and amenity in order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire 'A Guide for New Developments.(section 2 part 1 chapter 9 para 9.4) and to further encourage sustainable modes of transport.

15. **The development hereby permitted shall not be brought into use until the proposed access roads and footways have been constructed to wearing course and the roundabout to the existing carriageway has been reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.**

Reason: In the interests of highway safety and amenity.

16. **Prior to the commencement of the works identified on the 'in principle' roundabout access arrangement drawing numbered SK 11 revision A, a detailed site layout shall be submitted to the highway authority showing the size of radii kerbs, Entry Path Radius (EPR) the vehicle to vehicle inter-visibility from the new roundabout to TD 16 standard of Design Manual for Roads and Bridges, the forward visibility around the bends and sightline visibility splays from the internal junctions to Manual for Streets criteria. The details must include a swept path analysis of a large waste collection vehicle in current use, to demonstrate that the road layout can accommodate a waste collection vehicle from the roundabout when passing parked cars and around bends in accordance with Manual for Streets with the ultimate design being technically approved.**

Reason: In the interests of highway safety and amenity.

17. **Details of arrangements for storage of waste (including means of enclosure or the area concerned where necessary) shall be submitted and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved**

arrangements shall be completed to the satisfaction of the Authority before any part of the development is first occupied, and permanently maintained thereafter to the Authority's satisfaction.

Reason: In order to provide adequate waste collection facilities.

18. **Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing, the management of parking on site and shall be carried out as approved.**

Reason: To ensure that the development does not adversely affect the safety and operation of the highway network in accordance with Government policy contained in Nation Planning Policy Framework – Transport.

19. **Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.**

The Construction Method Statement shall address the following matters;

- a. Off site highway works in order to provide temporary access throughout the construction period, work shall be completed prior to the commencement of development, and reinstated as required;**
- b. Construction and storage compounds (including areas designated for car parking);**
- c. Siting and details of wheel washing facilities;**
- d. Cable trenches;**
- e. Foundation works;**
- f. Substation/control building;**
- g. Cleaning of site entrance and the adjacent public highways and;**
- h. Disposal of surplus materials.**

To ensure that the development does not adversely affect the safety and operation of the adjoining highway network in accordance with Government policy contained in Nation Planning Policy Framework – Transport.

20. **Prior to the commencement of development, a Reptile Mitigation Strategy should be submitted to and approved in writing by the Local Planning Authority. It should include measures which will be undertaken to safeguard reptiles including the identification of a suitable receptor site if required.**

Reason: In the interest of biodiversity and species protection.

21. (a) 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
- (b) 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 (a), above; has been submitted to and approved by the Local Planning Authority.
- (c) 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 (b) 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.
- (d) Any contamination, other than that reported by virtue of condition (a) 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.

22. Prior to the commencement of the development hereby permitted, full details of measures to achieve Secure By Design accreditation shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall thereafter be carried out in complete accordance with the approved details or particulars unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests minimising crime associated with the development.

23. No development shall take place until an ecological design strategy (EDS) addressing the implementation of the recommendations in the submitted ecological report (Seasons Ecology 2015) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.

- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details of reptile mitigation/compensation strategy
- k) Nesting bird mitigation strategy
- l) Details of a bat sensitive lighting scheme
- m) Native species and habitats landscaping scheme with establishment and management protocols
- n) Integrated bat and bird box strategy to include model and location of boxes. All buildings bordering open space will require a box. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.'

Reason: To conserve and enhance biodiversity in accordance with NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

24.

- (a) Prior to occupation, each house (42) shall incorporate an Electric Vehicle (EV) ready domestic charging point.
- (b) Prior to occupation, 1 dual plug post or wall mounted electric vehicle charging point shall be installed per parcel (2) of apartments to serve the residents of those apartment blocks. There shall be dedicated, marked up and signed parking bays, positioned adjacent to those charging points and a process will be put in place to ensure the ongoing maintenance and management of the charging points.
- (c) A minimum of 2 dual plug post or wall mounted electric vehicle bays, positioned adjacent to those charging points and a process will be put in place to ensure the ongoing maintenance and management of the charging points
- (d) 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. charging points shall be installed
- (e) to serve the users of the Health Club. There shall be dedicated, marked up and signed parking

25. Any condition(s) recommended by the Environment Agency.

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

EV Recharging Infrastructure Informative

EV Charging Point Specification:

Each charging point, whether wall or post-mounted 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)

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

Informative(s)

During the demolition and 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 demolition and construction 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.

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

HIGHWAY INFORMATIVES:

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

1. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact hertsdirect@hertscc.gov.uk or for information use the HCC website

www.hertsdirect.org. or call on 0300 1234 047 to obtain the requirements for a section 278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

REASON:

To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

2. Prior to commencement of the development the applicant is advised to contact the 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

Informative(s)

The removal of trees & shrubs should be avoided during the bird breeding season (March to September inclusive.) If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the last chick has fledged.”

Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.”

New trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.