

<b>ITEM NO:</b>	<u>Location:</u>	<b>Land between Knebworth Station car park and Ferguson House, Park Lane, Knebworth, SG3 6PJ</b>
	<u>Applicant:</u>	Mr Stafford NLD London
	<u>Proposal:</u>	<b>Outline application (landscaping reserved) for residential development of 12 dwellings comprising of 9 x two bed flats; conversion of existing building at rear of site to provide 4 car parking spaces at ground floor with 1 x bed flat over and 9 parking spaces within site, detached two storey building to provide 2 x three bed semi-detached cottages following demolition of existing buildings. Repairing and raising of existing wall on northern boundary to 2.5 metres in height and repairing and raising of existing wall to eastern boundary to 2.1 metres in height (amended description and amended plans received 6.10.16).</b>
	<u>Ref. No:</u>	<b>16/01557/ 1</b>
	<u>Officer:</u>	<b>John Chapman</b>

**Date of expiry of statutory period:** 14 October 2016

**Reason for Delay** (if applicable)

Negotiations with applicant upon scheme, including the need to provide for a satisfactory S.106 agreement.

**Reason for Referral to Committee** (if applicable)

Having been made aware of the objection from the Parish Council Cllr Hemingway responded to consultation with him by stating that "I would like this application to be put on the agenda of the Planning Control Committee."

## **1.0 Relevant History**

- 1.1 Permission granted in 1993 for the continued use of premises on the western part of the site for the restoration/storage/manufacture and sale of billiard tables and accessories (app no 93/01005/1).
- 1.2 Permission granted in 2004 for the change of use of builders yard on the eastern part of the site to mixed use for joinery workshop and van hire operations. Retention of portable building, dust filtration unit and metal container (app no 03/02035/1).
- 1.3 Consent granted in 2004 for the display of 3 advertisement hoardings (app no 04/00227/1AD).

## **2.0 Policies**

### **2.1 North Hertfordshire District Local Plan No.2 with Alterations**

Policy 5 - Excluded Villages  
 Policy 29A - Affordable Housing for Urban Needs  
 Policy 51 - Development effects and planning gain.

Policy 55 - Car Parking Standards  
Policy 57 - Residential Guidelines and Standards

### **Supplementary Planning Document.**

Design.  
Planning Obligations.  
Vehicle Parking at New Development.

## **2.2 National Planning Policy Framework.**

Section 1 - Delivering Sustainable Development.  
Section 6 - Delivering a wide choice of high quality homes.  
Section 7 - Requiring good design.

### **Local Plan 2011-2031 (Proposed Submission October 2016).**

Policy SP1 - Sustainable Development in North Hertfordshire  
Policy SP2 - Settlement hierarchy  
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 NE8 - Reducing Flood Risk  
Policy NE9 - Sustainable Drainage Systems  
Policy NE11 - Contaminated Land

## **3.0 Representations**

### **3.1 Knebworth Parish Council - strongly objected to the **originally submitted scheme** for the following reasons:**

"1. The height, bulk and form of the development is out of character with the surrounding area.

2. It is over development of the site. The Design and Access Statement states that the site is 0.01ha. The proposed 12 dwellings therefore equates to a density of 1,200 dwellings per hectare which is extremely high.

3. There is inadequate parking provision. The number of parking spaces provided is below the NHDC parking standard by more than 14 spaces. This area has a serious on street parking problem with commuter and resident parking, any reduction will exacerbate the problem. The Design and Access Statement recommends the use of the Station car park for any overflow from the development. This is a pay and display car park which is unable to meet commuter demand. Recent developments of Wordsworth Court and 8 Park Lane have already resulted in an increase in resident on-street parking in this area.

4. Parking spaces 3, 4, 5 and 6 are located below a one bedroom flat. If the development is approved a condition should be imposed to prevent these spaces being enclosed and used for other purposes."

Following receipt of **amended plans** the Parish Council have maintained their objection for the following reasons:

## " 1. Overdevelopment

The provision of 10 two bedroom flats and 2 three bed roomed houses results in a density of 120 dwellings per hectare. This level of development is high for the middle of a large town; Knebworth is a village. There are other flats in this area, however they are not as densely developed.

## 2. Inadequate parking provision

The proposed development is for 10 two bedroom and two three bed roomed properties. NHDC's parking policy requires a minimum of two spaces per dwelling. The development provides only one space per dwelling, a 50% reduction. This is unacceptable.

The parking provision for the adjacent block of flats is 16% below current requirements and Wordsworth Court is 20% under. Wordsworth Court, on the south side of Park Lane, has created on street parking issues due to the under provision of car parking spaces. This has led to the introduction of yellow lines in the area of this development significantly reducing the level of on street parking.

The Travel Plan states that due to the proximity of the station only one space is required. However Hertfordshire is a county which has a high car ownership with an average of 1.4 vehicles per household. Using this figure would require a minimum provision of 17 car parking spaces.

The on street parking in the area is limited due to traffic regulations and commuter parking. The Station car park is extremely small and regularly full of commuters and is therefore not available for overflow parking from this development.

The significant under provision of parking spaces will exacerbate the existing parking problems in this area and around the village.

## 3. Building in front of the Building line

The two three bed roomed semi detached houses are well forward of the building line which will affect the character of the area."

3.2 **Highway Authority** - does not wish to restrict the grant of permission, subject to the imposition of condition 3 of my recommendation.

3.3 **Environmental Health (noise)** - to be reported.

3.4 **Environmental Health (contamination)** - recommends the imposition of a condition, as set out in condition 5 of my recommendation.

3.5 **Local residents** - the occupiers of **3 Dancote, 4 Ferguson House & 12 Stonecroft** objected to the application, as originally submitted for the following reasons:

- To build a 4 storey building in this part of Knebworth is both overdevelopment and out of character. There are no 4 storey buildings in Knebworth village except for those in Kerr Close on the other side of the railway to the east and the Haygarth estate to the south of the village on London Road. However, these apartment blocks do NOT overlook other properties and are in spacious plots with much parking space. A 2-storey (or 3 storey with the loft being used as the 3rd storey) development would be far better and more in keeping with the existing buildings in Park Lane and Knebworth in general. A 4-storey building at this location is inappropriate.

- The statement in the DAS at para 4.4, that "...there is a four storey flatted development located immediately adjacent to the west of the site and across the road, adjacent to the public house car park." is completely untrue - these buildings are 3 storey NOT 4. Additionally, the height of these 2 buildings has been minimised by using the loft space for accommodation so, whilst they are 3 storey, the overall height is far less than a regular 3 storey building which has no accommodation in the loft space. In addition the statement at
- To build so close to the residential buildings at the rear of Dancote, particularly number 3, will impact on the privacy of the current residents and there will be additional noise from cars arriving and leaving at all hours - not like the present commercial use of the buildings.
- Car Parking is a problem as this proposal falls far short of the NHDC parking requirements which are "for two spaces per bedroom unit" which, in this case, would require 24 spaces, not the 13 proposed. Knebworth already has a huge parking problem (and needs more parking control). To say "occupiers of the flats should have no reason to require more than one car parking space to meet their needs" (para 4.18) is beyond belief and to further suggest that the station car park could be used for visitors (para 4.17) when it is always full and also expensive, as well as being unlikely that the railway authorities would allow this. Commuters regularly park in private spaces within the Ferguson House car park and selfishly on the main road, so it can only be assumed that so many new residents would increase pressure on an already difficult situation.
- Building work brings disruption, noise and pollution so would like to see what commitments the developers will make to minimising all of the above for neighbours.
- 4 Ferguson House presently does not suffer any light infringement or privacy invasion and it is feared these will both be affected by the significant building work proposed.

The occupier of " **Hollybank** ", **Gipsy Lane** have objected to the amended scheme as car parking provision at one space per dwelling does not meet the Council's standard of at least two per bedroom unit. In addition, he considers that the developers suggestion that the station car park may be used in conjunction with the flats is erroneous as it is not a local authority public car park and, he believes, is owned by the Railway Authority and therefore subject to their by-laws (whereby only users of the railway system may use it). Finally he adds that because this area of Knebworth has very limited street parking this proposal could add to the problem.

Having been reconsulted on the amended plans the occupiers of **3 Dancote** comments that they are pleased to see the new proposed plans have removed the fourth storey from the block of flats. They add that it seems their concerns relating to the boundary wall have also been listened to and that they are content with the proposal to retain the brick wall, repair it and raise it to 2.5 metres. Finally they comment that they doubt that the developers suggestion that visitors may park in the station car park (and therefore parking provision for the proposed development is adequate) is likely as the car park is very expensive and generally full during the week. They add that the roads around the area are restricted parking and where there are no restrictions they are full of commuter parking.

The occupier of **4 Ferguson House** maintained their objection insofar as the revised scheme is concerned as she has significant concerns about the position of the two dwellings being closer to the road than Ferguson House, that by proposing two storey dwellings, when the building they replace is single storey, they would block light and views from her living room window and her first floor balcony. She suggests that as there is no way to build the dwellings without compromising either

her kitchen or bathroom windows and balcony the plans should be reduced to a single storey build to replace the existing structure, rather than expand upon it. She advises that her previous comments about parking and disruption still apply.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

4.1.1 The application site covers an area of approximately 0.13 hectares and is located at the eastern end of Park Lane, with the Knebworth station car park wrapping around its eastern and southern boundaries. The site has a maximum depth of approximately 37 metres and maximum width of approximately 48 metres. At present there are a number of commercial buildings on the site, with those on the eastern half of the site being largely screened from the part of the station car park which abounds the eastern boundary of the site by three advert hoardings (see para 1.3). To the rear of the site is a bungalow (3, Dancote) which is largely screened from the site by the existing commercial buildings.

### **4.2 Proposal**

4.2.1 This application seeks outline planning permission (with only landscaping reserved) to construct a pair of 3 bedroom semi-detached dwellings, a block of 9 two bedroom flats with an attached bike store, the conversion of an existing commercial building at the rear (and to the north west corner) of the site to a one bedroom flat with 4 parking spaces beneath, the provision of a further 9 parking spaces, a detached bin store and new and raised boundary walls, following the demolition of existing commercial buildings on the site.

4.2.2 The pair of semi-detached houses are proposed to be built in the south western corner of the site and adjacent to Ferguson House, set back approximately 4 metres from the site frontage. They would measure 9.3 metres in width, 9.6 metres in depth and have a ridge height of 8.6 metres. To the rear of these dwellings 4 parking spaces are proposed.

4.2.3 The flat block would be L-shaped, three storey in height and would be sited on the eastern part of the site. Three flats are proposed to be provided on each floor of the building. The flat block would measure 23.5 metres in width along the site frontage with Park Lane and approximately 21 metres along the return frontage facing Knebworth Station. It would have a maximum ridge height of approximately 11 metres. In front of the flat entrance elevation 4 parking spaces are proposed.

4.2.4 In the north western corner of the site the existing brick and tile building is to be kept and converted to a one bed flat with 4 parking spaces beneath. A disabled parking space is proposed to be sited immediately to the east of the retained building, with the boundary wall along the northern boundary of the site to be repaired and raised to 2.5 metres in height. Amenity space areas to serve the flats are located to the east and north of the proposed flat block. Attached to the western side of the flat block it is proposed to construct a single storey pitched roof bike store.

### **4.3 Key Issues**

4.3.1 The key issues to the determination of this application relate to whether the proposed development is acceptable in policy terms, having regard to policies 5, 51, 55 & 57 of the adopted Local Plan, whether the impact of the development upon the residential amenity of nearby properties is satisfactory and whether mitigation measures are necessary, by means of a Section 106 agreement, to satisfy the policy aims of the Local Plan, as set out in Policy 51 of the Local Plan and the emerging policy regarding the provision of affordable housing (policy HS2).

#### 4.3.2 Whether the proposed development is acceptable in policy terms, having regard to policies 5, 55 & 57 of the adopted Local Plan?

Insofar as policy 5 of the Local Plan is concerned this policy allows for housing development within Knebworth that "is compatible with the maintenance and enhancement of village character ". In this respect since the proposed flat block and dwellings would replace existing commercial uses I consider that the village character would be enhanced by an appropriate form of residential development on this site. However, I considered that the original proposed flat block would not have maintained the village character, particularly when assessed against the recently built nearby flats at Ferguson House located adjacent to the site and other nearby flats built on the opposite side of Park Lane, between The Station (PH) and the village hall. For this reason negotiations took place with the applicant to address my concerns by reducing the height of the flats from 4 storey to 3 storey. I am pleased to advise that these negotiations have been successful and therefore I no longer consider that the appearance or design of the proposed flat would look out of place within the street scene, thus allowing a scale of building which maintains and reflects that of other nearby flats at this end of Park Lane. Since the proposed dwellings would not be as high as the flat block at Ferguson House or the flat block proposed on this I now consider this part of the scheme is to be acceptable, notwithstanding the Parish Council's objection relating to its density, when assessed against Policy 5 of the Local Plan.

4.3.3 Turning to Policy 55 of the Local Plan, I note the objection raised by the Parish Council and local residents relating to the lack of car parking provision associated with the proposed development, when assessed against the Council's presently adopted policy. However, I have had regard to the applicants justification for proposing a lower standard than normally required, as well as the Council's emerging policy set out at policy T2 of the NHDC Local Plan 2011 -2031 and explained in more detail under Appendix 4 of this document. The Council's emerging policy reflects Government advice that development should be encouraged in sustainable locations which have good transport links and which do not rely solely upon the use of the car. Indeed the relevant part of the Appendix referred to above states that reductions in the proposed residential parking standard of 1 space per one bed dwelling and 2 spaces per 2+ bedroom dwellings " **will be considered only in exceptional circumstances e.g. in town centres or other accessible locations with the availability of a range of local services and good local sustainable transport options** ". I consider this site accords with such a definition and therefore, whilst acknowledging and notwithstanding the existing parking problems which presently exist close to the station, I do not consider there is a sustainable planning objection to the proposed parking provision of 13 spaces to serve the 10 flats and 2 dwellings proposed for this site.

4.3.4 Policy 57 of the adopted Local Plan sets out 12 guidelines that the Council expects housing development schemes should meet. These guidelines relate to the site and its surroundings, its design and layout, roads and footpaths, mix of dwelling sizes, floorspace, orientation, privacy, play and amenity space, landscape, noise, car parking and garaging and servicing. Paragraph 4.3.2 already deals with the first two guidelines and the reasons I feel these have been suitably addressed. Guidelines 3 and 12 are satisfied having regard to the views of the Highway Authority. The mix of one, two and three bed dwellings complies with guideline 4, whilst guidelines 5, 6 and 7 do not give grounds for a sustainable planning objection in this case, in my view. Guideline 8, whilst not satisfied in this case, would not lead to any significant harm to the future residents of the flats, particularly as they would be aware of the extent of amenity space available to them prior to purchase, and reflects many recently built flat schemes. Guideline 9 is subject to future approval of reserved matters. Guideline 10 is likely to be satisfied having regard to the views of colleagues in Environmental Health, whilst the reason why guideline 11 should be set aside is set out in detail above.

**4.3.5 Whether the impact of the development upon the residential amenity of nearby properties is satisfactory?**

In considering this issue I took into account the views of local resident in seeking amendments to the originally submitted scheme. As a result the boundary treatment with 3 Dancote has been amended, so as to help to reduce the impact of the development upon their residential amenity to an acceptable degree, in my judgement. I also gave consideration to the comments of the flat occupier at Ferguson House but it is felt that the suggestion that a single storey building be proposed in this location would lead to a development that would look incongruous in the street scene. I also felt that the position of the proposed dwellings forward of the front wall of the Ferguson House flats would help to reduce the harmful effect of these dwellings to the windows in the side elevation of this block, without resulting in harm to windows and balconies in the front elevation of these flats. For the above reasons and considering the amendments to the scheme I consider that there are no sustainable planning reasons to object to the proposed development on grounds of residential amenity.

**4.3.6 Whether mitigation measures are necessary, by means of a Section 106 agreement, to satisfy the policy aims of the Local Plan, as set out in Policy 51 of the Local Plan and the emerging policy regarding the provision of affordable housing (policy HS2)?**

The table set out below sets out details of the heads of terms of a S106 Obligation that the applicant is prepared to enter into with the Council and Hertfordshire County Council and cover matters relating to the provision of affordable housing, library contributions and the provision of fire hydrants within the site (as requested by Herts County Council), together with waste collection and recycling contributions required by this Council. Members will not that I have not required the applicant to provide affordable housing on site as part of this development scheme as it is under the threshold for affordable housing set out in Saved Policy 29A of District Local Plan of 20 dwellings. However, giving some weight to the emerging Local Plan Policy HS2 I have negotiated a proportionate off-site financial contribution which can be spent by the District Council to subsidise affordable housing anywhere else in the District of £91,186.92. The applicant has agreed to this approach.

<b>Element</b>	<b>Detail and Justification</b>	<b>Condition / S106</b>
Affordable Housing	Commuted sum (£91,186.92) in lieu of provision on site.  Submission Draft Local Plan Policy HS2, evidence within the SHMA and Planning Obligations SPD	S106 Obligation
Library Services	Full contribution based on Table 2 of the HCC toolkit index linked to PUBSEC 175, to be used towards expanding the children's areas at Knebworth library to include new accessible/flexible portable shelving.  Amount before index linking: £1566.  Policy 51 of the North Hertfordshire District Local Plan No. 2 – with Alterations, Planning Obligations SPD and HCC toolkit	S106 Obligation
Fire Hydrant	Provision within the site in accordance with standard wording  Policy 51 of North Hertfordshire District Local Plan No. 2 – with Alterations,	S106 Obligation

	Planning Obligations SPD	
Waste Collection and Recycling	£71 per dwelling and £26 per flat index linked in accordance with SPD.  Amount before index linking: £376  Policy 51 of the North Hertfordshire District Local Plan No. 2 – with Alterations, Planning Obligations SPD	S106 Obligation

4.3.7 The heads of terms would deliver a S106 Obligation that accommodates affordable housing, mitigates the impact of the development on library and waste and recycling infrastructure, as well as the provision of fire hydrants.

4.3.8 These contributions, set out in the above heads of terms, could form the basis of a S106 Obligation that could successfully mitigate the impact of this development and, if implemented, would assist in making sure this development proposal would be sustainable.

#### 4.4 **Conclusion**

4.4.1 Subject to the applicant entering into a satisfactory Section 106 agreement to provide for the requirements set out at paragraph 4.3.5 of this report it is not felt that there are any sustainable planning reasons to object the proposed development.

### **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 outline planning permission be **GRANTED** subject to the following conditions and to the applicant agreeing and completing a S106 Obligation with the Council to secure affordable housing and other financial contributions set out in the table above:

6.2 That the applicant agrees any necessary extensions to the statutory determination period for this planning application to enable completion of the S106 Obligation. That Members delegate powers to the Development and Conservation Manager to refuse outline planning permission on the basis of an incomplete S106 Obligation if the applicant is unwilling to agree any necessary extensions to the statutory determination period:

1. **Before the development hereby permitted is commenced, approval of the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.**

**Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.**

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.



Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall not be brought into use until the existing vehicle cross over has been reduced to 4.5 metres wide and the footway 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.

4. **Prior to the commencement of the development full details of all boundary walls to the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall thereafter be carried out in completed accordance with the approved details or particulars prior to the first occupation of the development.**

**Reason: To ensure a satisfactory design which safeguards the visual amenity of the locality and the residential amenity of adjoining dwellings, given the sloping nature of the site.**

5.
  - (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:**
  - (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 (a), 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 (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.**
  - (e) **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.**

6. 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.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A-F of Part 1 and Class A of Part 2 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.

8. **Prior to commencement of the development full details of a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Construction Management Plan shall contain the timing of the programme of works (to include construction hours on the site) and the areas for construction vehicle parking, storage and delivery of materials within the development site.**

**Reason: In the interests of maintaining highway efficiency and safety.**

#### **Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.