

ITEM NO:	<u>Location:</u>	135A London Road, Knebworth, SG3 6EX
9	<u>Applicant:</u>	McCarthy & Stone McCarthy & Stone Retirement Lifestyles Ltd
	<u>Proposal:</u>	Erection of two 2-bed apartments with a ground floor commercial unit (Use Class A1, A2 or A3) including car parking and creation of new vehicular access of London Road (as amended by drawings B003C and B004A received 09/01/2018).
	<u>Ref.No:</u>	17/02652/ 1
	<u>Officer:</u>	Tom Donovan

Date of expiry of statutory period : 23 March 2018

Reason for Referral to Committee

Councillor Hemingway called the application in to support the view of Knebworth Parish Council.

1.0 Relevant History

- 1.1 Planning permission has recently been granted for the redevelopment of the site on the west side of London Road by McCarthy and Stone for retirement properties.

2.0 Policies

2.1 North Hertfordshire District Local Plan No.2 with alterations

Policy 5 - Excluded Villages
Policy 55 - Car Parking Standards
Policy 57 - Residential Guidelines and Standards

2.2 National Planning Policy Framework

Paragraph 14 'Presumption in Favour of Sustainable Development'
Paragraph 17 'Core Planning Principles'
Section 1: Building a strong competitive economy
Section 4: Promoting sustainable transport
Section 6: Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design
Chapter 11 - Conserving and enhancing the natural environment

2.3 North Hertfordshire Draft Local Plan 2011-2031

The submission local plan has now been submitted to the Secretary of State, following completion of the final public consultation exercises and having been agreed and approved by Full Council in April 2017. The Examination in Public (EiP) began in November 2017 and is due to conclude by the end of March 2018. The policies of relevance in this instance are as follows:

Strategic Policies

SP1: Sustainable development in North Hertfordshire

SP2: Settlement Hierarchy

SP4: Town and local centres

SP9: Design and sustainability

DM Policies

ETC3: New retail, leisure and other main town centre development

ETC6: Local centres

T1: Assessment of transport matters

T2: Parking

D1: Sustainable design

D3: Protecting living conditions

D4: Air quality

NE11: Contaminated land

2.4 Supplementary Planning Documents

Vehicle Parking at New Development SPD September 2011

Design SPD July 2011

3.0 Representations

3.1 Public Notice/ Local Residents

No representations received.

3.2 Knebworth Parish Council

Objection:

"Parking provision for this development does not comply with NHDC SPD Vehicle Parking at New Development for the apartments or the commercial property. The flats require a minimum of five spaces, only three have been provided. There is no parking provision for the commercial property. The site formed part of the Chas Lowe Builders merchants which provided parking for staff and customers. This will be lost should planning application 17/01863/1 be granted, without revision.

On street parking in this area is limited to one hour and serves the village centre and St Martins Road pay and display car park has a maximum stay of four hours. On street parking in the village is also limited due to vehicle ownership, various restrictions and commuter parking. Therefore there should be no reduction in parking provision for this development.

The access to the site is located next to a parking bay which restricts visibility from the site. When used as a sand yard, a banksman had to be used to ensure safe egress. Any development should not have an impact on its surroundings and loss of one or more on street parking spaces in London Road will have an impact on the village and businesses.

The archway access is out of character with the area and will provide a haven for youths to gather in the evening.

Should the application be approved, S106 contributions should be sought

- 1. Converting the site into a car park to replace parking lost via planning application 17/01863/1.*
- 2. Contribution to community buildings e.g. a scout and guide hut and parish office."*

3.3 Environmental Protection (contaminated land and air quality)

No objection.

3.4 Environmental Health (noise and other nuisance)

No objection subject to recommended conditions.

3.5 Hertfordshire County Council Highways

No objection subject to recommended conditions.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site is currently occupied by Chas Lowe and Sons in conjunction with the larger site located on the opposite side of the road. The site is currently used to store building materials.

4.2 Proposal

- 4.2.1 Erection of two 2-bed apartments with a ground floor commercial unit (Use Class A1, A2 or A3) including car parking and creation of new vehicular access from London Road.
- 4.2.2 The proposed building would occupy almost the entire frontage of the site and would have a depth of approximately 11.7m. The building is proposed to have a crown roof supplemented by gable elements to the front and rear along with several dormer windows. An under-croft is proposed in order to enable access to the parking area to the rear where three car parking spaces are to be provided. The retail unit is proposed to have a floor area of 116.3m² with a shop-front proposed to be installed.

The design of the proposed development has been amended during the application process to remove the unsightly front gable projection by slightly increasing the ridge heights and amending the roof form ever so slightly.

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

- The acceptability of the principle of the proposed development.
- Whether the proposal would be sustainable development;
- The effect on the character and appearance of the area including the impact on trees;
- The effect on the living conditions of neighbouring properties.
- The suitability of the residential accommodation for future occupants.
- The effect on the safe operation of the highway and car parking provision in the area.
- The effect on environmental factors so far as it relates to contaminated land and air quality.

4.3.2 Principle

Knebworth is one of several villages excluded from the Green Belt and the relevant policy (LP5) states that, within such villages, *"...the Council will normally permit development for housing, employment, service and community facilities only if the development proposed is compatible with the maintenance and enhancement of village character, and the maintenance of Green Belt boundaries..."*

In my view, the proposed development is compatible with the maintenance and enhancement of the character of the village and would maintain the Green Belt boundary. As such, I find the principle of allowing development of this nature in accordance with the Development Plan and therefore acceptable.

4.3.3 Emerging Local Plan

The Emerging Local Plan 2011-2031 is under examination between November 2017 and March 2018 and therefore remains several months from potential adoption.

In any case, I consider that the principle of the development should be considered against the Emerging Local Plan. Policy SP2 considers Knebworth to be a Category A village. Within Category A villages *"General development will be allowed within the defined settlement boundaries..."*

The proposed development would therefore be acceptable in-principle with regards to the Emerging Local Plan.

4.3.4 Sustainability

Paragraph 7 of the NPPF sets out the three aspects to sustainable development: economic, social and environmental. Paragraph 8 goes on to state that:

"These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions."

The application site is located within, what is essentially, Knebworth's high street.

Knebworth is generally considered to be a highly sustainable location (given its Category A designation in the Emerging Local Plan). This particular site is located in the heart of the village close to the many essential services that Knebworth offers. A potential occupant of the residential units would not need to be reliant on the local car to reach destinations within the village and indeed, due to the proximity to bus stops and the railway station, destinations further afield are also easily able to be reached without the car. Many of the same proximal benefits are also able to be applied for the potential A1/2/3 use which is proposed for the ground floor.

In my opinion, the proposed development would make a contribution to each of the three strands of sustainability and therefore it is my view that the proposed development would be sustainable development.

4.3.5 Design and appearance

London Road features a fairly diverse combination of building types including a combination of single and two storey buildings. As such, there is not really what I would consider to be a distinctive design pattern in the area for which this development should follow. That said, the design (as amended) respects the general form, proportions and design of buildings along this part of London Road and would have an acceptable impact on the overall character and appearance of the area. Moreover, the current use of the site is not a particularly efficient use of land nor does it make a positive contribution to the appearance of the area. In my view, the proposed development would be acceptable in design terms and thereby satisfy the relevant local and national policies regarding design.

4.3.6 Trees

A number of small trees are located on the front and side boundaries of the site and it is inevitable that these would need to be removed to facilitate the proposed development. However, the trees do not have a high amenity value and therefore I raise no objection to their removal. A larger, more attractive tree located beyond the rear boundary of the site would not be affected by the proposal.

4.3.7 Noise and odour

The District Council's Environmental Health Team have been consulted on the application and the Senior Environmental Health Officer is satisfied that, subject to several recommended conditions being placed on any permission, the proposal would have an acceptable impact on the future occupants of the proposed development.

4.3.8 Impact on neighbouring properties

Due to the layout of the site, it is my view that the proposed development would not result in any harm to the living conditions of any properties located in reasonable proximity of the site.

4.3.9 Residential guidelines and standards

In my view, the layout of the proposed residential units is sufficient to ensure that the future occupants enjoy an acceptable standard of living. Moreover, the use of the ground floor unit has been considered and potential impacts from its use are able to be mitigated in the future if/as necessary.

4.3.10 Car parking/ Highways

According to the Council's Vehicle Parking at New Development SPD a minimum of 2 car parking spaces should be provided per 2 bedroom unit. Parking for the 'A' use class unit has varying standards depending on the floor-space of the unit and the specific category of the use.

4.3.11 Three car parking spaces are proposed to be provided to the rear of the proposed unit and there is no debate that to allow this would require a relaxation of the Council's standards. However, a degree of flexibility is built into the standards and therefore, in certain circumstances, it is appropriate to permit a relaxation in car parking provision.

4.3.12 In this case I argue a relaxation on the normal car parking standards due to the following reasons:

- The proposal is in a centre of village location which good access to bus services and a wide range of regularly required services and facilities, including the train station, all within a short walking or cycling distance. These factors would mean that owning a car would not be an absolute requirement to live in this location.
- There is unrestricted on-street car parking and a public pay-and-display car park within a reasonable distance of the site.
- The majority of the other commercial units in the area do not have a parking offer of any significance. As such, short term visitor parking utilising on-street car parking and the pay-and-display car park would seem an appropriate way of providing for the 'A' unit.

4.3.13 Although the proposal would technically conflict with the Council's Car Parking SPD, para.32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The highway authority was consulted and have raised no objection to the proposal and therefore one can be satisfied that the proposal would not have a negative impact on highway safety. Moreover, based on the considerations in para.4.3.11 I am satisfied that a severely harmful impact upon the parking capacity of the local highway network and local public car parks would not result.

4.3.14 Environmental protection

The District Council's Environmental Protection Team have been consulted on the application. Within their consultation response they have confirmed that there is no land contamination or air quality issues with relation to the proposed development.

4.3.15 Developer contributions

Due to the scale of this application no developer contributions are required.

4.4 **Conclusion**

4.4.1 The proposed development would be compliant with the provisions of the Saved Local Plan, the North Herts Emerging Local Plan 2011-2031 and the provisions of the National Planning Policy Framework. As such, it is my recommendation that planning permission be **GRANTED**.

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 is **GRANTED** subject to the following conditions:

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

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

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

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

3. The development hereby permitted shall not be brought into use until the existing vehicle cross over has been relocated, the dropped kerbs are provided 4.5 metres wide and the footway has been reinstated as identified on drawing number 17713-B001 revision B 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, a Construction Management Plan/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 Plan/Statement.

The Construction Management Plan/Method statement shall address the following matters:

- (i). Details of a construction phasing programme (including any pre-construction or enabling works);
- (ii). Hours of construction operations including times of deliveries and removal of waste;

- (iii). Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (iv). Access and protection arrangements around the site for pedestrians, cyclists and other customers;
- (v). Details of provisions for temporary car parking during construction;
- (vi). The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (vii). Screening and hoarding details
- viii). End of day tidying procedures;
- (ix). Construction and storage compounds (including areas designated for car parking);
- (x). Siting and details of wheel washing facilities;
- (xi). Cleaning of site entrances, site access roads and the adjacent public highway and:
- (xii). Disposal of surplus materials.

Reason: To minimise the impact of construction vehicles and to maintain the amenity of the local area.

5. Prior to first occupation of the dwellings, the noise mitigation measures detailed in section 5 and Appendix C of the 24 Acoustic Ltd report reference R6871-1 Rev0 dated 31st March 2017 (London Road, Knebworth- Noise Assessment) relating to glazing and ventilation specifications shall be fully implemented. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect the residential amenities of future occupiers of the development.

6. Prior to the commencement of the development the developer shall carry out a noise survey following the guidelines set out by BS4142: 2014. This survey shall take into account all proposed plant as part of the development and shall include noise control measures which should be submitted for written approval by the Local Planning Authority (LPA). No plant shall be installed and operated at the site until the noise survey has been approved by the LPA. Noise mitigation measures shall be such as to achieve 5dB below existing background noise levels.

Reason: To protect the residential amenities of future occupiers of the development.

7. Goods vehicle deliveries and refuse vehicles shall only be permitted between 08.00hrs and 20.00hrs Monday to Friday, 09.00hrs and 18.00hrs Saturdays and no deliveries on Sundays and Bank Holidays.

Reason: To protect the residential amenities of future occupiers of the development.

8. Hours of opening of the A1/A2/A3 unit shall only be permitted between 09.00hrs and 22.00hrs Monday to Friday, 09.00hrs to 23.00hrs Saturday and 10.00hrs and 21.00hrs on Sundays.

Reason: To protect the residential amenities of future occupiers of the development.

9. Details of any kitchen extract ventilation system to be used as part of the development shall be submitted to the Local Planning Authority for approval. The extract ventilation system shall incorporate a three stage carbon filtration or similar system. Following approval and installation, the system shall thereafter be permanently maintained.

Reason: To protect the residential amenities of future occupiers of the development.

INFORMATIVES

1. 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: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. 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 <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
2. Prior to commencement of the development the applicant shall contact <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or call on 0300 1234 047 to obtain the requirements 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.
3. 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.

4. During the 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.

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.