

<u>Location:</u>	<b>131 London Road Knebworth Hertfordshire SG3 6EX</b>
<u>Applicant:</u>	<b>Mr Miah</b>
<u>Proposal:</u>	<b>Change of use and conversion of existing first floor retail unit to one 2-bed flat</b>
<u>Ref. No:</u>	22/01173/FP
<u>Officer:</u>	<b>Thomas Howe</b>

**Date of expiry of statutory period:**

23 June 2022

**Submitted Plan Nos.:**

22176\_PL01  
22176\_PL02  
22176\_PL04

**Extension of statutory period:**

27 October 2022 – Agreed by agent on 26 September 2022.

**Reason for referral to Committee:**

This application is to be determined by Planning Control Committee by reason of a call-in request by Councillor Lisa Nash if the recommendation was to grant. The reasons given for the call-in are:

*We do not have a need for flats in Knebworth but have a clear need for retail units. We have many unoccupied flats in Knebworth, including the following:*

*Ferguson House - at least 2*

*Park Court, Park Lane - all currently vacant with only 1 sold (newly built)*

*Florence Court - several vacant (newly built)*

*Station Approach - At least 5 vacant (newly built)*

*Low House - Approximately half of the units here are also vacant (these are homes for the over 75s) and so on,*

*all of these properties are in close proximity to the village centre/railway station and offer car parking etc.*

*It is really important that we address retail units in Knebworth. Several units that were previously retail were taken up with the Lowe House development with no sign of them being opened and some suggestion that they are not big enough to be shops again.*

## 1.0 **Site History**

1.1 22/02194/FP – Pending

1.2 21/01266/FP - Change of Use of existing retail shop (Class F2) to take away (Class Sui Generis R) including installation of steel flue duct (as amended by plans received 15 July 2021) – Conditional Permission

1.3 19/00340/FP - Change of Use of first floor from Tanning and Beauty Salon to Tattoo Artist Studio – Conditional Permission

## 2.0 **Policies**

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

Policy 5 – Excluded villages

Policy 8 – Development in Towns

Policy 42 – Shopping

Policy 43: Shopping areas in town centres

Policy 51: Development effects and planning gain

Policy 55 – Car Parking Standards

Policy 57 – Residential Guidelines

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

Chapter 6 – Building a strong, competitive economy

Chapter 7 – Ensuring the vitality of town centres

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting Sustainable Development

Chapter 12 – Achieving well-designed places

### 2.3 **North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)**

ETC6 – Local Centres

D1 – Sustainable Design

D3 - Protecting living conditions

T2 – Parking

SP1 – Sustainable Development

SP2 – Settlement Hierarchy

SP4 – Town and Local Centres

SP6 – Sustainable Transport

SP9 – Design and Sustainability

## 3.0 **Representations**

### 3.1 **Site Notice:**

Start Date: 04/05/2022

Expiry Date: 03/06/2022

### 3.2 **Press Notice:**

Start Date: N/A

Expiry Date: N/A

### 3.3 Neighbour Consultation:

- No neighbour representations received.

### 3.4 Statutory Consultees:

#### 3.4.1 Knebworth Parish Council:

*Knebworth Parish Council objects to this application.*

*The development is in Knebworth 'High Street' and would result in loss of retail space in the village centre.*

*The development proposes a two bed flat with no parking provision.*

*Knebworth has numerous parking issues due to commuter parking and lack of off street parking provision for dwellings, especially near the village centre.*

- *The High Street (London Road) and Station Road have one hour parking restrictions*
- *Pondcroft Road and Milestone Road are controlled parking zones. Residents are paying for permits but are still having problems parking in these roads.*
- *Watton Road has double yellow lines which limits parking. The width of the road only permits parking on one side and some residents park on the road.*
- *Flats on Stevenage Road, near the junction with Station Road, regularly have six vehicles parked on the road/pavement although the flats have parking spaces.*
- *The ongoing development of 137 London Road with four flats and retail space has provision for only three parking spaces. This substandard parking provision and the loss of on street parking spaces to accommodate the vehicular access will result in additional pressure for on-street parking.*
- *St Martins Road Car Park is short stay.*
- *Knebworth has one of the highest levels of car ownership in North Herts.*

*The emerging NHDC Local Plan policy T2 and Appendix 4, requires two bed dwellings to have two parking spaces and one cycle space, neither of which is provided.*

*This application is therefore contrary to this policy and relaxation of the policy should not be considered due to the ongoing parking issues in Knebworth.*

#### 3.4.2 Waste:

*Doors to bin stores should be sufficient in width to allow the movement of bins at their widest and prevent entrapment of limbs. This is likely to be a minimum of 20cm in addition to the widest bin contained in the bin store.*

*Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available.*

*Doors should ideally be keypad entry or standard fire brigade keys. We do not support the use of electronic key fobs.*

*Roller shutters on bin stores can be considered to save space however the additional noise impacts should be considered.*

*Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.*

*We do not advise the use of bin compactors, as they often cause excessive damage to bins or cause waste to get stuck inside bins. If bin compactors are used on site you should advise your waste collection contractor.*

*Bins in communal bin stores should be manoeuvrable to the refuse collection vehicle without the need to move other bins.*

*For flats, bins should be ordered direct from the Council's contractor 10 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.*

*Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.*

*Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy.*

*Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30metres to a bin storage area, or take their waste receptacles more than 25metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.*

*Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.*

*For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited.*

*For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.*

*Pull distances from the storage point to the collection point should not be within close proximity to parked cars.*

*The gravel drive makes pulling bins difficult and consideration should be given to whether this surface is the most suitable or whether bins stored closer to the collection point would be more preferable.*

*The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.*

*Further general advice on waste provision for developments is available on our website: <http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision>. The bin requirements stated there are specific to North Herts, but the rest of the advice is general.*

## **4.0 Planning Considerations**

### **4.1 Site and Surroundings**

- 4.1.1 No. 131 London Road comprises a first-floor single storey unit situated on the eastern side of London Road in Knebworth. The property is not listed and is not within a Conservation Area. The ground floor use appears to be Class E and it appears that the first-floor unit was most recently in use as Sui Generis use as a tattoo studio.

### **4.2 Proposal**

- 4.2.1 Planning permission is sought for the change of use of the first floor from Sui Generis/office to a single 2-bed flat.

### **4.3 Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- The principle of development
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the Hitchin Conservation area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on the parking provision and highway safety.

#### Principle of Development

4.3.2 The NPPF states that significant weight should be placed on the need to support economic growth and furthermore, the emerging local plan seeks to support new businesses.

4.3.3 This part of Knebworth, along London Road is designated as a Local Centre, under the Emerging Local Plan. Policy ETC6 of the emerging Local Plan states that planning permission will be granted where development is:

*it is for use class A1, A2, A3, A4, A5, D1 or D2 at ground floor level;*

*any change of use from class A1 would maintain the general vitality and viability of the centre*

*the centre would continue to provide a range of uses with a majority of units being retained in A1 use so as to not undermine the provision of local shopping facilities.*

Planning history suggests that the floor area was in Sui Generis use as a tattoo studio and the plans indicate that it was in use as office space. Given that the development would not result in the loss of Class A1 (now Class E) floor space, the first point is therefore met. The second point is not relevant and with regards to the third point, the local area would continue to benefit from a range of uses including retail shops, business uses and eateries and drinking establishments. Access would be maintained by an existing ground floor entrance and stairwell. Given the above, proposed development would comply with the provisions set out in emerging policy and the principle of development is accepted.

#### Character and Appearance and Impact on Surrounding Area:

4.3.4 The application site is not within a Conservation Area and the building that it relates to is not Listed or adjoining any Listed Buildings. There are no external alterations proposed and therefore, the proposed development would not have any detrimental impacts on the character and appearance of London Road or this line of buildings.

#### Impact on Neighbouring Amenity:

4.3.5 No neighbour objections have been received. The proposal is for a single 2 bed, three to four person flat. Given that no external alterations and given that a flat is likely to hold a lower footfall than a Sui Generis or office use, the proposed development is unlikely to be harmful to the amenity of neighbours to the site. Furthermore, given the commercial and residential nature of this part of London Road/Knebworth, the use is considered to sit acceptably within the area.

#### Standard of Amenity for Future Occupiers:

4.3.6 Paragraph 127 (f) of the NPPF states that “**decisions should ensure that developments... create places that are safe, inclusive and accessible and which**

***promote health and wellbeing, with a high standard of amenity of future and existing users***". Paragraph 127 (f) is reflected in Guideline 8 of Policy 57 in the Saved Local Plan and Policy SP9 of the Emerging Local Plan.

- 4.3.7 The proposed flat would benefit from a large internal floor area (approx. 78 sqm) that exceeds the prescribed requirements (70 sqm) as set out in the National Space Standards. The rooms would be well served by windows to allow for sufficient outlook, with the flat benefitting from dual aspect outlook. Built-in storage space is also provided. The flats would be well served by amenities within the locality. Given that some neighbouring units possess residential dwellings I consider that the uses in proximity complement this use as residential dwelling.

#### Parking and Highways

- 4.3.8 The proposed information does not identify the use of car parking facilities that are related to this unit. The area close to the site possesses some on-street parking and is approximately a 4 minute or 0.2 mile walk, with footpaths provided along this route. A bus stop with connections within the district and Stevenage is in close proximity. It is noted that the Parish Council objected to the development on parking grounds, however, given this proximity to transport nodes alongside shopping, leisure and employment opportunities, I would consider the site to be in a sustainable location and that this overcomes the shortfall of parking provision.

#### Environmental Implications:

- 4.3.9 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.

#### Other Matters:

- 4.3.10 A pending application is also live at the same address and in the same floor area. This is under a different applicant and is currently still under delegated powers. Given that the nature and application of the proposal is different to this application, both applications can be determined separately.

#### **4.4 Conclusion**

- 4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

#### **4.5 Alternative Options**

- 4.5.1 None applicable

#### **4.6 Pre-Commencement Conditions**

- 4.6.1 No pre-commencement conditions are recommended.

#### **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision

is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

## 6.0 **Recommendation**

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

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

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

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

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

3. Prior to first occupation of the flat hereby approved, the location and provision of 2 x 660L bins, 1 x 240L Food and 1 x 240L paper bins, shall be submitted to and approved in writing by the Local Planning Authority and the agreed details only shall be implemented on site prior to the first occupation of the flat hereby approved.

Reason: To ensure that Waste and Recycling requirements are met.

4. Prior to first occupation of the flat hereby approved, the location and provision of cycle storage space, shall be submitted to and approved in writing by the Local Planning Authority and the agreed details only shall be implemented on site prior to the first occupation of the flat hereby approved.

Reason: To ensure that Waste and Recycling requirements are met.

## **Proactive Statement**

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