



NORTH HERTFORDSHIRE DISTRICT COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order
2015

DECISION NOTICE

Correspondence Address:

Mr Swann
Swann Edwards Architecture
Fen Road
Guyhirn
Wisbech
PE13 4AA

Applicant:

Market Homes (Knebworth) Limited

PARTICULARS OF DEVELOPMENT

Application: 17/01622/1

Proposal: Erection of 3 storey building to provide 9 x 2 bed flats; conversion and extension of store to 1 bed house and new vehicular access off of Station Approach (as amended by drawings received 12th and 25th October 2017).

Location: The Station, Station Approach, Knebworth, SG3 6AT

PARTICULARS OF DECISION

In pursuance of its powers under the above Act and the associated Orders and Regulations, the Council hereby **REFUSE** the development proposed by you in your application received with sufficient particulars on 27 June 2017.

1. The proposed development, due to the loss of most of the public house garden and the introduction of residential units in such close proximity to the public house, would be prejudicial to the retention and development of this important community facility, which is a designated Asset of Community Value and the only public house in Knebworth. As such, the development would be contrary to paragraphs 28 and 70 of the National Planning Policy Framework and contrary to the spirit of Policy ETC7 of the submitted Local Plan 2011 - 2031.

2. The proposed block of 9 flats, due to its size, would present a cramped appearance in the street scene and this, together with its overall design, would be out of keeping with the character and visual amenities of Station Approach and Park Lane. As such the development would be contrary to the National Planning Policy Framework, Section 7. Requiring good design, Policy 57 - Residential Guidelines and Standards of North Hertfordshire District Local Plan No. 2 with Alterations and Policy D1 - Sustainable Design of the submitted Local Plan 2011 - 2031.
3. The proposed development would fail to provide a sufficient number of parking spaces to serve the new flats, to meet the Council's current minimum car parking standards and would result in the reduction of the parking space available for the public house. This would result in severe harm upon the parking capacity of the local highway network. The development would, therefore, be contrary to the National Planning Policy Framework, Section 4 - Promoting Sustainable Transport; North Hertfordshire District Local Plan No 2 with Alterations, Policy 55 - Car Parking Standards; and the submitted Local Plan 2011 - 2031, Policy T2 - Parking.
4. Due to the close proximity of the proposed flats and the residential conversion of the store building of the existing public house, the living conditions of the future occupiers would be prejudiced by the general noise and odour associated with the public house. In addition to this, insufficient outdoor amenity space would be provided to meet the needs of the future occupiers. The development would, therefore, be contrary to the National Planning Policy Framework, paragraph 17; North Hertfordshire District Local Plan No.2 with Alterations, Policy 57 - Residential Guidelines and Standards; and submitted Local Plan 2011 -2031, Policy D3 - Protecting Living Conditions.
5. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) securing the provision of planning obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006) and the Planning obligation guidance - toolkit for Hertfordshire: Hertfordshire County Council's requirements January 2008. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or Proposed Local Plan Policy HS2 of the Council's Proposed Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF).

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through positive engagement with the applicant in an attempt to narrow down the reasons for

refusal but fundamental objections could not be overcome. 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.

Signed:



Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth
Herts
SG6 3JF

Simon Ellis
Development & Conservation Manager

Date: 1 May 2018

NOTES

- 1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Planning Inspectorate at Suite C, 4th Floor, Spectrum Building, Bond Street, Bristol, BS1 3LG or online at www.planningportal.gov.uk/planning/appeals

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to

develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.