

ITEM NO:

Location: **Former Hamilton Billiards And Games Co
Park Lane
Knebworth
Hertfordshire
SG3 6PJ**

Applicant: **Mr J Stafford**

Proposal: **Residential development of 10 units comprising 9 x two bed flats, conversion and part two storey/part single storey side extension to existing building at the rear of the site to provide 4 parking spaces and cycle store at ground floor with 1 x 2 bed flat over and 18 car parking spaces within site 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 western boundary to 2.1 metres in height.
Section 73 Application: Variation of condition 11: Changes to the external and internal appearance of the scheme pursuant to planning permission 17/00883/1 granted 09/08/2017 and as amended by 18/01468/NMA granted 28/06/2018).**

Ref No: **18/02515/S73**

Officer: **Tom Donovan**

Date of expiry of statutory period

20 December 2018

Submitted Plan Nos.

1815-01A, 1815-02A (1), 1815-03A, 1815-04, PL20, PL21, PL22, PL23, PL24, PL25, PL26, PL27, and PL EX01B.

Reason for Referral to Committee

Councillor Deakin-Davies has 'called-in' the application in support of the objection from Knebworth Parish Council.

1.0 Site History

- 1.1 16/01557/1: 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). **REFUSED 21/12/2018**
- 1.2 17/00883/1: Outline planning application (landscaping reserved) for residential development of 10 units comprising 9 x two bed flats, conversion and part two storey/part single storey side extension to existing building at the rear of the site to provide 4 parking spaces and cycle store at ground floor with 1 x 2 bed flat over and 18 car parking spaces within site 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 western boundary to 2.1 metres in height. **APPROVED 09/09/2017**
- 1.3 18/00992/RM: Reserved matters application for approval of landscaping details for outline planning application 17/00883/1. **APPROVED 26/07/2018**
- 1.4 18/01468/NMA: Proposed additional condition to provide condition that clearly lists the approved plan numbers. **AGREED 03/07/2018**
- 1.5 18/02992/NMA: Alterations to the external appearance of the detached building adjacent to the northern boundary of the site (as Non-Material Amendment to Planning Application 17/0883/1 granted on 09/08/2017). **AGREED 22/11/2018**
- 1.6 18/02993/NMA: Amendments to the landscaping scheme, as attached to Planning Application 18/00992/RM granted on 25/07/2018. **AGREED 22/11/2018**

2.0 **Relevant Planning Policy**

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

Policy 8 – Development in Towns
Policy 55 – Car Parking Standards

2.2 **National Planning Policy Framework**

Section 12 – Achieving well designed places
Section 15 – Conserving and enhancing the natural environment

2.3 **Emerging Local Plan 2011-2031 (Approved by Full Council 11th April 2017)**

This report considers and takes account of the Emerging Local Plan policies as modified by the Local Plan Examination Inspector. The Inspectors Schedule of Modifications for the Emerging Local Plan were published on 19th November 2018.

The modifications are due to be considered by the Councils Cabinet on 10th December, which is after this report is finalised but which is prior to this Planning Control Committee. The policies of relevance in this instance are as follows:

Strategic Policies

SP1: Sustainable Development in North Herts

SP2: Settlement Hierarchy

SP9: Design and sustainability

Development Management Policies

D1: Sustainable Design;

D3: Protecting living conditions;

T2: Parking

2.4 Supplementary Planning Document

Vehicle Parking at New Development September 2011

3.0 Representations

3.1 Local residents/public notice

Lisa Nash, 1 Dancote. Objection.

“This development is out of character with the surrounding area where there are bungalows. The size of the development is too big (height and bulk) and would significantly change the street scene. I therefore object to this application.”

3.2 Knebworth Parish Council

“Knebworth Parish Council strongly objects to the variation of the approved planning application.

1. The proposed variation increases the mass, height and bulk of the development, which will be imposing and out of character with the surrounding area; properties being 2.5 storeys.

2. The application appears to be reverting to a previous application, which was refused.

3. The roof line appears to have been raised by 1.5 metres.”

3.3 Hertfordshire County Council Highways

No objection.

3.4 Waste

No objection subject to condition.

3.5 Lead Local Flood Authority

No objection.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application site is located in close proximity to Knebworth Railway Station which is located on the intersection of Station Approach and Park Lane. Dancote is located to the western boundary of the site and wraps around the north boundary. To the east is the car park for the Railway Station with the railway itself beyond.

4.2 Proposal

- 4.2.1 The overall scheme that is being applied for here is as follows:

Residential development of 10 units comprising 9 x two bed flats, conversion and part two storey/part single storey side extension to existing building at the rear of the site to provide 4 parking spaces and cycle store at ground floor with 1 x 2 bed flat over and 18 car parking spaces within site 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 western boundary to 2.1 metres in height.

- 4.2.2 An application for a non-material amendment was submitted and agreed by the Council stipulating the approved plan numbers within a condition. The purpose of this was to enable the applicant to apply under Section 73 to vary the visual appearance of the approved scheme.
- 4.2.3 Applications are able to be made under Section 73 of the Town and Country Planning Act 1990 to make minor material amendments to existing planning approvals. The effect of granting planning permission under Section 73 is the issue of a new planning permission that sits alongside the original permission.
- 4.2.4 This application seeks variations to the visual appearance of the scheme as a variation of Condition 11 of application 17/00883/1 and as amended by 18/01468/NMA. The changes are summarised by the agent as follows:

1. *Balconies shown on elevation and plan, including the screen to the top left corner.*
2. *Adjusted ground levels around the building and adjoining existing levels at the boundaries.*
3. *Adjusted steps/ramps to the front door – adjacent the disability parking – to make the pedestrian and vehicle access as accessible as possible.*
4. *Steps behind the bin store.*
5. *Brickwork details introduced.*
6. *Roof hips to gables.*
7. *Projecting 'bays' all lowered and now at the same level.*
8. *Window style adjusted – stone cills introduced.*
9. *Lift shaft over-run shown as chimney externally.*
10. *Material changed to lower render element with detail lines, and brickwork above.*

11. Single bin store only provided to reduce risk during road cross-over and improve gradient of access.

4.3 Key Issues

4.3.1 The overall acceptability of the proposed development has been accepted by the Council through the earlier decisions 17/00883/1, 18/00992/RM and 18/01468/NMA. As such, the key issues for consideration are the effect of the proposed physical changes to the scheme on the following:

- The character and appearance of the area;
- Living conditions of neighbouring properties;
- Highway safety.

4.3.2 Design and appearance

The most significant change to the appearance of the main apartment block is the proposal to increase the height of the roof (in line with the alterations to the ground levels) and introduce gables instead of the slightly lower hipped roof design that was previously permitted. However, whilst I accept that the apartment building would be larger than that previously permitted; given the relatively limited increase in the overall height and the context within which it is set I do not raise any objection to the revised roof form. Indeed, in association with some of the other proposed changes relating to windows, stone cills, and external material, I believe that the revised design would represent an improvement on the previously consented scheme.

4.3.3 A number of alterations are proposed to the internal layout of the site. The most significant alteration is the omission of one of the bin stores and the proposal for a larger bin store next to the main building. The proposed bin store is not overly large and its design is acceptable. I find no reason to object to this on design grounds.

4.3.4 Other alterations to the internal layout are for more practical reasons such as the addition of steps leading into the bin store and alterations to make access to the main building easier for disabled residents/guests. These alterations are acceptable from a design perspective.

4.3.5 Impact on neighbouring properties

The proposed changes would clearly increase the scale of the building and introduce some larger window openings including some 'Juliet' style balconies. However, I do not consider that the increased height of the building or any of the aesthetic changes proposed to the main building would cause a negative impact on the living conditions of any of the neighbouring properties. Alterations to the internal layout of the site would too not cause any material harm to the living conditions of said neighbouring properties.

4.3.6 Highways impact

The alterations to the scheme would not fundamentally alter the proposal in terms of its highways implications. The internal layout is proposed to be tweaked but this is unlikely to give rise to vehicle manoeuvrability issues within the site or any issue

with the safety of the main vehicle access onto Park Lane. Moreover, the developer will be required to undertake the works that link the development to the classified road in accordance with the terms of the Section 278 Agreement that has presumably been entered into with the County Council. I conclude that the changes proposed would not cause harm to the safe operation of the adjacent highway.

4.3.7 Car parking

The alterations to the scheme do not alter the amount of car parking proposed to serve the development.

4.3.8 Other matters

Knebworth Parish Council are suggesting in their comments that the scheme is reverting back to that previously refused by the Council (16/01557/1). Firstly, the scheme applied for here has a fundamentally different design to that refused by the Council in 2016; indeed the refused scheme is actually more similar to the approved scheme which is being altered (17/00883/1). Secondly, the refused scheme was for 12 units which included a different layout as other buildings were proposed. These additional units do not (and could not) form part of this application. In any case, whilst the previous refusal of planning permission is clearly a material planning consideration here, the earlier refused scheme is fundamentally different to the proposal that has been submitted to the Council here. As discussed above, I do not consider that there are any sustainable planning reasons to object to the proposal on design grounds.

4.3.9 Conditions

As suggested in the Government's online Planning Practice Guidance, conditions from the earlier consent (in this case 17/00883/1) should be repeated on the decision notice for the Section 73 application. A number of conditions have been discharged or part-discharged and therefore the wordings of conditions attached to the earlier permission have been tweaked to reflect this.

4.3.10 Developer contributions

Due to the scale of the development developer contributions were not sought on the original planning consent (17/00883/1). The planning policy situation has not changed sufficiently in the meantime and I maintain the view that contributions are not required in respect of this application.

4.4 **Conclusion**

- 4.4.1 The principle of the development has been accepted by the Council under application reference 17/00883/1 with the landscaping details being agreed under the Reserved Matters application 18/00992/RM. In my view the proposed changes to the external appearance of the scheme are acceptable in design, amenity and highway safety terms. Accordingly, it is my recommendation that planning permission is **GRANTED**.

4.5 **Alternative options**

4.5.1 None applicable.

4.6 **Pre-commencement conditions**

4.6.1 Agreed.

5.0 **Recommendation**

5.1 I recommend that planning permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the 8th August 2020.

Reason: To comply with the provisions of Section 73(5a) of the Town and Country Planning Act 1990.

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 and as follows: 1815-01A, 1815-02A(1), 1815-03A, 1815-04, PL20, PL21, PL22, PL23, PL24, PL25, PL26, PL27, and PL EX01B.

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 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. The boundary walls will be constructed in accordance with those details agreed under discharge of condition application reference number 18/01158/DOC unless otherwise agreed in writing by the Local Planning Authority.

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. The development will proceed in accordance with the details agreed under discharge of condition application reference 18/01318/DOC with regards to parts a, b and c of Condition 5 of planning permission application reference 17/00883/1.

The 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 5 of planning application reference 17/00883/1 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 5 of planning permission reference 17/00883/1, 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 flats 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 the flat occupiers 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. The details of the Construction Management Plan agreed under discharge of condition application reference 18/01319/DOC shall be observed for the entire construction programme unless otherwise agreed in writing by the Local Planning Authority.

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

8. The development, hereby approved, shall be carried out in accordance with the noise mitigation measures relating to glazing and ventilation detailed in Section 5.1.1 of "Planning Noise and Vibration Assessment, 2 Park Lane, Knebworth" by Spectrum Acoustic Consultants, Report Reference RK2199/16335/Rev 1, dated 24 May 2017 and, once implemented, the scheme of measures shall be maintained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the residential amenities of future residents.

9. The development, hereby approved, shall be carried out in accordance with the details set out in the Bat Roosting Assessment (May 2016) submitted as part of planning application 17/00883/1, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard any matters of ecological interest within the site.

10. Drainage works shall be implemented in accordance with those details agreed under discharge of condition application reference number 18/01320/DOC unless otherwise agreed in writing by the Local Planning Authority.

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

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

Informative/s:

1) Construction Code of Practice:

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.

2) Construction hours:

During the demolition and construction no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00 hours and Sundays and Bank Holidays: no work at any time.

3) Asbestos:

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.

4) Surface Water Drainage:

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

5) The Water Industry Regulations 2011:

Legal changes under The Water Industry (Scheme for the Adoption of private sewers)

Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

6) Petrol/oil interceptors:

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

7) Water supply:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.