

# **PLANNING APPEAL**

## **STATEMENT OF CASE**

**Applicant:**

Edward Lytton Cobbold  
Knebworth Estates  
Old Knebworth  
Knebworth SG3 6PY  
[edward@knebworthhouse.com](mailto:edward@knebworthhouse.com)

**Application:** 24/02652/FP

**Proposal:** Erection of five single storey one-bedroom terraced dwellings with associated landscaping, boundary fencing and cycle storage.

**Location:** Old School House, Park Lane, Old Knebworth, Hertfordshire SG3 6PR

**Refused Plan Nos:** 22416-100 22416-101 22416-103 22415-105 22416-106

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## 1.0 INTRODUCTION

The Applicant appeals the refusal in North Hertfordshire District Council's Decision Notice of 11 March 2025. The Applicant believes the application is wholly compliant with Local Plan and NPPF policies; all stakeholders' queries have been addressed; and there is no local objection from the community of Old Knebworth, where the proposed development is located.

The Application site is the disused playground and under-utilised tarmac car park of the former Old School House plot in Old Knebworth. It sits in the centre of the built core of the village, on the edge of the Old Knebworth Conservation Area, between the largely pre-1914 residential properties to the west and the largely 1930s ex-Council residential properties to the east. Where the Parish Council queries the 'built core of the village' [Officer's Report 3.1] and the Planning Officer cites a "separation between Old Knebworth and... dwellings to the east", and repeats this mis-definition of Old Knebworth with "The Proposal...would also extend Old Knebworth beyond its built core further east" [Officer's Report 4.3.9], both the Parish Council and the Planning Officer appear to be confusing the village of Old Knebworth with its Conservation Area. The Old Knebworth Conservation Area is not the village of Old Knebworth.

Old Knebworth School, at the centre of the built core of Old Knebworth, ceased operations in the late 1990s, being replaced with new facilities in Knebworth. In 2003 the main building was granted consent for residential conversion [03/00222/1] and subdivided into three apartments, which use only part of the original car park. While the building itself found a new use, the associated land - the playground and parking area - was left largely in its original, utilitarian state.

The playground retains its concrete and tarmac fixed-surface infrastructure and has remained visibly disused for over two decades. It was not landscaped or formally repurposed following the school's closure. Instead, part of the redundant playground was informally let for use as garden extension and yard storage to the adjoining cottage. However, this arrangement did not result in any permanent or lawful change of use, and the area retains the appearance and condition of a former school playground adjacent to its car park.

This residual land - visibly degraded and contributing little to the character of the village or the Conservation Area - represents a typical case of previously developed land under the National Planning Policy Framework (NPPF). The Applicant - responding to the North Hertfordshire Local Plan 2011-2031 [November 2022] designation of the Green Belt community of Old Knebworth as a Category B village, where infilling is allowed that does not extend the built core of the village - seeks with the proposed scheme to sensitively regenerate this neglected part of the old school site, aligning it both with the built form of the village and the pressing need for one-bedroom accommodation to support the sustainability of the local community and businesses.

## 2.0 THE APPLICATION

The Application is presented under the following policies:

**2.1 NPPF [December 2024] Clause 82** that states "In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs."

The Applicant owns and runs the Old Knebworth business, Knebworth Park and Estate, which employs 17 permanent staff, 10 part-time and 70 seasonal staff. With this Application the Applicant is addressing a need in Old Knebworth for one-bedroom residences [see Figure 1].

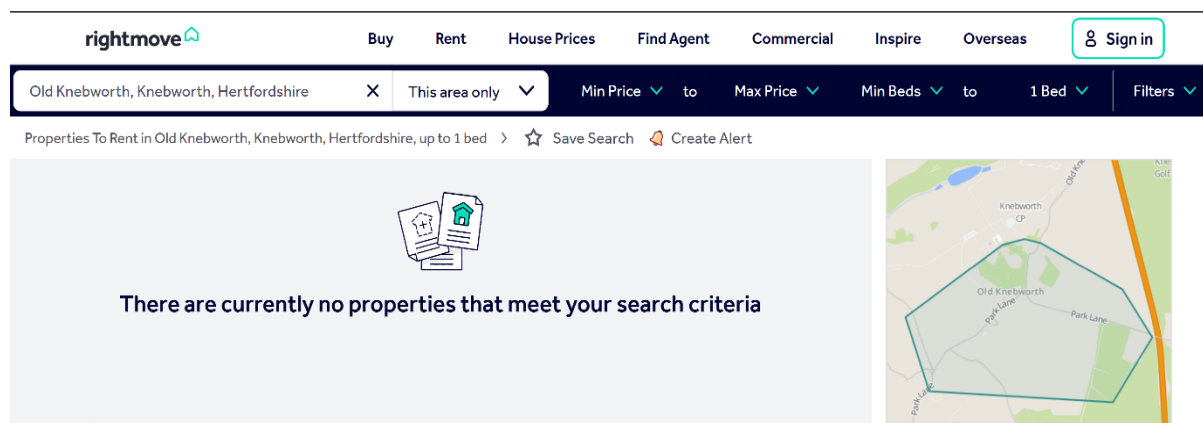


Figure 1 – May 2025 search for one-bedroom properties available for rent in Old Knebworth

One-bedroom residences are critically scarce in Old Knebworth, the exception being the Applicant's Grade II Lytton Almshouses [Figure 2], built in 1836, which is a single building containing five single-storey terraced dwellings that the applicant seeks in this application to replicate in both design and size, to contemporary standards [Figure 3].



Figure 2 - The Lytton Almshouses, Park Lane

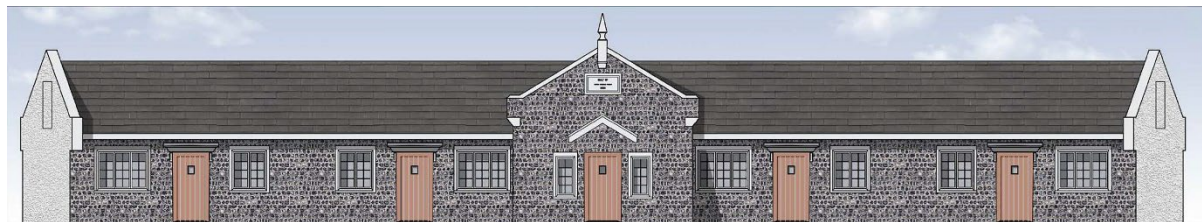


Figure 3 - The proposed building mirrors the Lytton Almshouses, to contemporary standards

- 2.2 **NPPF [December 2024] Clause 89** that states “The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

**NPPF [December 2024] Glossary** that states “Previously developed land: ...includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.”

**NPPF [December 2024] Clause 154** that states “Development on the Green Belt is inappropriate unless one of the following exemptions applies:... g) limited infilling... of previously developed land (including a material change of use to residential...)... [if] redundant... which would not cause substantial harm to the openness of the Green Belt.”

The location is the disused playground [Figure 4] and existing car park of the adjacent Old School House [Figure 10], now converted to residential apartments. It falls under the definition of previously developed land as curtilage of this permanent structure that includes the associated infrastructure of concrete and set play surfaces and a tarmac parking area.



Figure 4 - The disused playground comprises large areas of hardstanding and fixed surface infrastructure

The plot is defined by the build line of Old Knebworth and pre-existing built and landscaped boundaries [Figure 5]. Within the build line it is adjacent to four two-storey buildings – including a detached two-storey double garage and residential annexe (03/00721/1HH & 06/00393/1HH) – that are all taller than the proposed building, and so neither visually nor spatially would the development cause substantial harm to the openness of the Green Belt.



Figure 5 - The plot (seen beyond the open field above, around the visible shed; and to the left of the open field below, behind the greenery-lined fence) is within the long-established and landscaped building line of Old Knebworth, adjacent to four taller two-storey residential buildings to the west (above), and a row of taller two-storey residential buildings in much deeper plots to the east (below, centre), and so neither visually nor spatially would the development cause substantial harm to the openness of the Green Belt



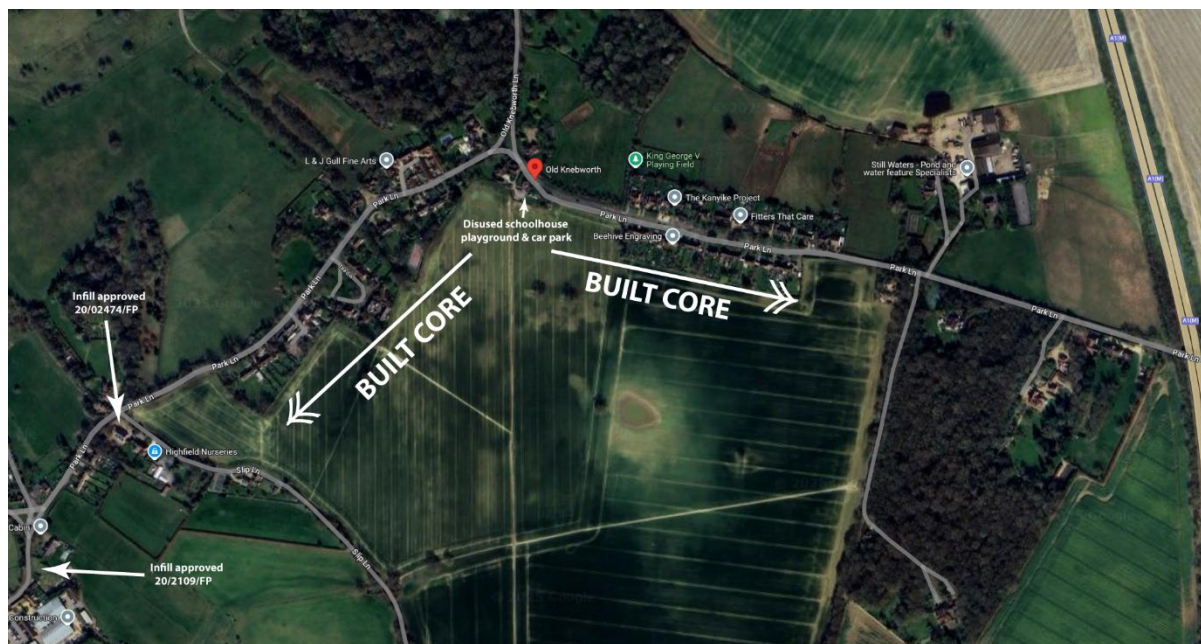
- 2.3 **NPPF [December 2024] Clause 154** that states “Development on the Green Belt is inappropriate unless one of the following exemptions applies:... **e)** limited infilling in villages”.

**North Hertfordshire Local Plan 2011-2031 [November 2022] Policy SP2** that states “infilling development which does not extend the built core of the village will be allowed in the Category B villages of:... Old Knebworth”

The village of Old Knebworth is in Green Belt, therefore a Category B designation can only mean that appropriate exemptions to Green Belt policy exist within it. Knebworth Parish Council has an adopted policy to object to all Green Belt development and therefore is obliged to object [Officer’s Report 3.1] to all Old Knebworth Development, regardless of that development satisfying the Local Plan’s exemptions or Old Knebworth holding Category B status.

As referenced in 1.0 (second paragraph) both the Parish Council and the Planning Officer confuse Old Knebworth with its Conservation Area. The built core of the village of Old Knebworth extends both to the west and the east of the Old School House. Where the Planning Officer cites the Local Plan Glossary to define infill as “The development of a relatively small gap between existing buildings” [4.3.9] the word ‘relatively’ is not defined. But ‘relative’ to the gaps between existing buildings across the village of Old Knebworth, the gap between the Old School House Playground and its buildings to the east is indeed small. It is, for instance, smaller than the gap between the infill granted planning permission in 2020 at Slip Lane [20/02474/FP – see 2.4 below] and that infill’s buildings to the east. But the relevance of the gap – which gives benefit in its view of open countryside in a hedgerow gap [see Figure 7 below] – is diminished by the fact that this application only proposes infilling the existing built & landscape delineated curtilage of the Old School House, in the form of its car park and former playground.

This proposal is for a single-storey single building infilling on the village’s main road frontage at the centre of the built core of the village [Figure 6], between a similar number of existing residential dwellings in both directions. Within that built core frontage there are listed buildings in both directions, including 188 & 190 Park Lane [List Entry Number: 1102729] to the east.



[base image Google Maps]

Figure 6 - The disused playground & car park is at the centre of the built core of the village. Two previous approved Old Knebworth infill sites are shown much further from the centre to the south-west (above left). [See a larger version at Appendix A]

The openness of the Green Belt is maintained by the plot falling within the existing built and landscaped boundaries of the building line of Old Knebworth. Views of the countryside are unaffected by the development as the plot has a pre-existing screen of hedgerow and tree growth at the front [Figure 7], and a pre-defined, pre-landscaped boundary at the rear [Figure 5].



Figure 7 – Winter (above) and summer (below) views of the frontage of the plot show that it does not currently give views of open countryside. Adjacent to the frontage (above right & below right) a gap gives the benefit of a view of open countryside that will be unaffected by the development



#### 2.4 Two precedents of approved Old Knebworth infill at the south-western end of the village:

**Planning Application 20/02474/FP** – Ashcroft, Slip Lane [Figure 8] – Erection of one detached 4-bed dwelling including creation of vehicular access off Slip Lane – approved on 18 December 2020. “The proposed development would not be in conflict with Green Belt policy and would be in general compliance with the policies set out in the National Planning Policy Framework as a whole and also in accordance with the relevant policies in the adopted local plan and the Emerging local plan, in particular the settlement strategy. The adverse impacts of the proposal are limited and are outweighed by the benefits. In these circumstances it is concluded that the presumption lies in favour of sustainable development and that permission therefore should be granted subject to appropriate conditions.” [Officer’s Report 4.2.55 – Full Report at Appendix B]



Figure 8 - Third party approved infill in Old Knebworth at Ashcroft, Slip Lane

**Planning Application 20/2109/FP – Nup End Farm House, Nup End [Figure 9] – Erection of one 4-bed and two 3-bed detached dwellings – approved on Appeal APP/X1925/W/21/3274409 on 18<sup>th</sup> March 2022.** “I find that the proposed development would accord with the overall sustainable development strategy aims of emerging LP Policy SP1. As Old Knebworth is listed as a Category B village and the proposed development amounts to limited infilling, the scheme accords with the settlement hierarchy aims of emerging LP Policy SP2. Furthermore, due to the above findings, the location of the proposed development accords with the sustainable transport aims of emerging LP Policy SP6 and the requirements of the Framework, particularly paragraphs 79 and 105. Consequently, I conclude that the site would represent a sustainable location for housing.” [Appeal Decision 15 – Full Appeal Decision at Appendix C]



Figure 9 - Third party approved infill In Old Knebworth at Nup End Farm House, Nup End

### 3.0 PARTICULARS OF THE DECISION

#### Decision Notice Reason 1:

*1. The proposed development by reason of its type, size and visual impacts would be inappropriate development in the Green Belt by definition and would cause further harm through loss of openness, impacts on character and appearance, harm to a designated heritage asset, impacts on and connections to public highways, and potential impacts on protected species and their habitats. The proposal does not comply with Policies SP2 and SP5 of the Local Plan and Section 13 of the NPPF.*

#### Response:

The application and subsequent consultation answer these concerns:

- |                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.1.1 ‘type’                                | one-bedroom residences fulfil a local need.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 3.1.2 ‘size’                                | a single building, single storey, is proposed, mirroring the pre-existing Old Knebworth 1836 Lytton Almshouses, to contemporary standards [Figures 2 & 3] as per Dept. for Communities and Local Government’s ‘Technical Housing Standards – Nationally Described Space Standard’ [March 2015].                                                                                                                                                                                                                                                                                                              |
| 3.1.3 ‘visual impact’                       | the low-lying nature of the proposed building has a minimal visual impact from arable field behind and a positive visual impact from the front, where it offers a glimpse of vernacular features above a pre-existing hedgerow.                                                                                                                                                                                                                                                                                                                                                                              |
| 3.1.4 ‘loss of openness’                    | the plot is defined by its built and landscaped boundaries that are within the building line of Old Knebworth [Figure 5], and open countryside is at present screened by pre-existing hedgerow and tree growth at the front [Figure 7], so development would not cause substantial harm to the openness of the Green Belt.                                                                                                                                                                                                                                                                                   |
| 3.1.5 ‘impacts on character and appearance’ | the building would have no more impact on the character and appearance of the Green Belt than the pre-existing taller residential buildings either side of it [Figure 5].                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 3.1.6 ‘harm to a designated heritage asset’ | an assertion of harm to a designated heritage asset - the Old Knebworth Conservation Area - fails to recognise the existing negative contribution of the application site in its current condition. It is a redundant, semi-concreted former school playground, visibly disconnected from the architectural character and visual coherence of the Conservation Area. This disused land, with its ad hoc surfaces and lack of integration, undermines the heritage value of the surrounding environment, and its continued presence as such is inconsistent with the objectives of conservation-led planning. |

Paragraph 210 of the National Planning Policy Framework (December 2024) requires decision-makers to consider “sustaining and enhancing the significance of heritage assets” by “putting them to viable uses consistent with their conservation” [210 a]. Paragraph 219 further supports proposals that “better reveal (the) significance” of heritage assets. This proposal represents precisely that opportunity. By replacing degraded post-educational infrastructure with a low-lying, sympathetically designed terrace, directly referencing the Grade II Lytton Almshouses and constructed in vernacular materials including knapped flint, the development enhances the setting and character of the Conservation Area, as supported by both NPPF Section 16 and Historic England Advice Note 1 [February 2019].

The harm arises not from what is proposed, but from the failure to act on the site’s current state. The proposed development scheme provides the only viable and appropriate means of addressing this long-standing visual and contextual deficit.

*3.1.7 ‘impacts on and connections to public highways’*

The Planning Officer’s listing of Hertfordshire Highways’ “Objection for the following reason” [Officer’s Report 3.6] is disingenuous when Hertfordshire Highways updated its comments within the consultation period by letter to North Hertfordshire Council on 18 February 2025 [Appendix D], which concludes “the highway authority does not want to raise objection to the proposed development but subject to the above-mentioned conditions and informative.” The conditions in this letter of 18 February 2025 are fully accepted by the Applicant.

*3.1.8 ‘potential impacts on protected species and their habitats’*

The concerns of the Council’s Ecologist were answered in an email forwarded to the Planning Officer on 11 December 2024 from Arbtech Consulting Ltd [Appendix E], whose initial PEA and BNG reports were submitted with the application. No protected species habitats were found and “very little bat roost potential”. No further concerns were expressed by the Council’s Ecologist, and it was made clear to the Planning Officer in an email of 06 March 2025 that “if there were further concerns, we would be pleased to address them”.

*3.1.9 ‘proposal does not comply with’*

The proposal does comply with:

*SP2 (LP)*

“Infilling development which does not extend the built core of the village will be allowed in the Category B villages of... Old Knebworth”

SP5 (LP) The built core of Old Knebworth is completely within Green Belt and therefore the above SP2 exception would only be made if it was acceptable.

Section 13 (NPPF) 154. “Development on the Green Belt is inappropriate unless one of the following exemptions applies:... e) limited infilling in villages... g) limited infilling... of previously developed land (including a material change of use to residential...)... [if] redundant... which would not cause substantial harm to the openness of the Green Belt.”

#### Decision Notice Reason 2:

*2. The proposed development by reason of its size, design and siting is not considered in keeping with the site and locality and would be harmful to its character and appearance. The proposed development will result in harm to the significance of a designated heritage asset. The proposal does not comply with Policies D1 and HE1 of the Local Plan, and Sections 12 and 16 of the NPPF.*

#### Response:

The application and subsequent consultation answer these concerns:

- |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.2.1 ‘size’   | as outlined in our Heritage and Design Statement, the size, scale and design of the proposed building mirrors the existing 1836 Grade II Lytton Almshouses [List Entry Number: 1347325] in Old Knebworth and therefore is established by Historic England as being as ‘in keeping’. It therefore cannot be ‘harmful’ in its size and design to the Old Knebworth Conservation Area.                                                                                                                                                                                                                                   |
| 3.2.2 ‘design’ |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 3.2.3 ‘siting’ | the proposed one-storey building’s visual impact is minimal from the arable field behind [Figure 5] and minimal from its Park Lane frontage which is shielded by existing hedgerow [Figure 7]. Where it is visible from its Park Lane frontage it references the plot’s existing building, the 1870 Old School House [Figure 10], with a complimenting knapped-flint façade. The appearance of a knapped-flint façade cannot be harmful if it is included as ‘notable in the locality’ in that building’s inclusion in North Herts District Council’s Knebworth Register of Buildings of Local Interest [April 2008]. |



Figure 10 - The knapped-flint façade of The Old School House

3.2.4 ‘harm to the significance of a designated heritage asset’

an assertion of harm to a designated heritage asset - the Old Knebworth Conservation Area - fails to recognise the existing negative contribution of the application site in its current condition. [See 3.1.6. above]

3.2.5 ‘proposal does not comply with’

The proposal does comply with:

*D1 (LP)*

by directly referencing buildings that are ‘notable’ in the locality – its 1887 Old School House [Figure 10] and the 1836 Lytton Almshouses [Figure 2] – the development “respond(s) positively to the site’s local context” [D1 a]; “enhances public realm” [D1 b i]; “retains existing vegetation and propose(s) new planting” [D1 b iv]; and, by providing local business required one bedroom accommodation within 5 minutes walking distance, “maximise(s) accessibility... and physical and social connectivity” [D1 b v].

*HE1 (LP)*

as well as referencing and enhancing the heritage assets of the Old Knebworth Conservation Area, the development is supporting the sustainability of local businesses and heritage assets - including the Grade II\* ‘Priority Building At Risk’ Knebworth House [List Entry Number 1102767] and its Registered Historic Park [List Entry Number 1000255] - by

providing needed one-bedroom accommodation for employees of all the rural businesses within Old Knebworth.

**SECTION 12 (NPPF)**

as outlined in our Heritage and Design Statement, prepared by longtime local architects Scott Associates (previously based in Knebworth), the development is “visually attractive as a result of good architecture, layout and appropriate and effective landscaping” [135 b] and “sympathetic to local character and history, including the surrounding built environment and landscape setting.” [135.c]

**SECTION 16 (NPPF)**

the proposed development has been explicitly designed to reflect and reinforce the architectural language of the Old Knebworth Conservation Area and Old Knebworth’s listed buildings and buildings of local interest. It does so by directly referencing two of the area’s most significant built assets: the 1836 Grade II listed Lytton Almshouses [List Entry Number 1347325] and the knapped-flint façade of the 1870 Old School House [North Herts District Council’s Knebworth Register of Buildings of Local Interest, April 2008].

This deliberate architectural continuity directly meets the policy test set out in Paragraph 219 of the NPPF “for new development within Conservation Areas” that “enhance(s) or better reveal(s) (the) significance” of heritage assets and “make(s) a positive contribution to the asset” by revealing local character and distinctiveness.

This proposal places particular emphasis on vernacular detailing, materials, and proportions drawn from key heritage assets, offering a more explicit architectural dialogue with the historic context than is evident in previously approved infill developments within the Old Knebworth Conservation Area, such as the approved infill at Ashcroft, Slip Lane, reference 20/02474/FP [Figure 8].

**Decision Notice Reason 3:**

*3. The proposed development has not provided sufficient information to determine whether the impacts on public highways and within the site would be acceptable, and does not provide adequate pedestrian/cycle access onto the public highway. The proposal does not comply with Policy T1 of the Local Plan and Section 9 of the NPPF.*

**Response:**

3.3.1 Every issue raised by the Highways Officer’s in his comments of 13 December 2024 has been answered by our email responses of 20 January 2025 and 07 February 2025 (both copied to the Planning Officer) and at a site meeting with the Highways Officer on 17 February 2025.

3.3.2 The Highways Officer updated his comments by letter to North Hertfordshire Council on 18 February 2025 [see Appendix D], concluding that “the highway authority does not want to raise objection to the proposed development but subject to the above-mentioned conditions and informative.” The Applicant fully accepts the conditions in this letter. The letter confirms that the development has provided ‘sufficient’, ‘acceptable’ and ‘adequate’ information.

3.3.3 The proposal complies with:

*T1 (LP)*

the development has barely any ‘impacts upon the highway network’, with direct pedestrian access to the village pavement, a less than three-minute walk in both directions to a stop on Bus Route 44/45 Stevenage/Luton [Figure 11], and a twenty-minute walk to Knebworth Railway Station; it includes cycle storage and is adjacent to National Route 12 of the National Cycle Network; and has a pre-existing drive and pre-existing parking space at the rear for the limited car use necessary for one bedroom residences designed for employees of local Old Knebworth businesses, including Knebworth Park, five-minutes’ walk away.

*SECTION 9 (NPPF)*

for these reasons listed above it ‘promotes sustainable transport’.



[Image Google Street View]

Figure 11 – Bus Stops for route 44/45 Stevenage/Luton within three-minutes’ walk of the proposed development in both directions – the built core to the west (above) and the built core to the east (below)



[Image Google Street View]

#### Decision Notice Reason 4:

*4. The proposed development has not demonstrated that protected species and their habitats/roosts would not be harmed. The proposal does not comply with Policy NE4 of the Local Plan and Section 15 of the NPPF.*

#### Response:

3.4.1 The concerns of the Council’s Ecologist were answered in an email forwarded to the Planning Officer on 11 December 2024 from the independent author of our BNG report, Harry Brindle of Arbtech Consulting Ltd, including that “the Preliminary Ecological Appraisal (PEA) report... conducted a GLTA on all of the trees on site, where (it) found very little bat roost potential.” [see Appendix E]

3.4.2 We were not made aware of any follow-up or further concerns of the Council’s Ecologist beyond this response. If there had been further concerns, the Applicant would have been, and would be, pleased to address them.

3.4.3 The proposal complies with:

|                   |                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NE4 (LP)          | the development submitted the required surveys and commitments to “appropriately protect, enhance and manage biodiversity” at the site.                                                                                                                                                                                                                                        |
| SECTION 15 (NPPF) | by minimising impacts on biodiversity and securing net gains [187(d)], and by remediating land that was previously degraded by intensive, non-natural use [187(f)] - in this case, a former school playground characterised by hard surfacing and high levels of historic human activity, both as a playground and garden yard storage, which left it of low ecological value. |

## **4.0 CONCLUSION**

This proposal represents a clear and well-evidenced opportunity for sensitive and policy-compliant development on a redundant, previously developed site within the built form of Old Knebworth.

The Applicant is a longstanding resident of the village, with a demonstrable commitment to heritage stewardship and local sustainability (the Applicant is the freeholder and custodian of a number of heritage properties within Old Knebworth, including Grade II\* listed Knebworth House, Garden & Park). The scheme is grounded in the principles of the adopted North Hertfordshire Local Plan and is tailored to meet a critical local housing need - the provision of modest, one-bedroom homes for employees and local residents, which are critically scarce beyond the Applicant’s historic Almshouses.

The proposed development falls squarely within the definition of limited infilling on previously developed land as set out in NPPF Paragraph 154(g) and Policy SP2, and does so without extending the village boundary, encroaching on open countryside, or compromising the

openness of the Green Belt. On the contrary, it enhances the character of the Conservation Area by replacing a site that has long detracted from its setting.

There has been no objection from the local community of Old Knebworth, and Knebworth Parish Council, whose questions on policy compliance have been answered, do “not object to the design of this development” [Consultation Response 02 January 2025].

All technical matters, including highways, ecology, and heritage, have been addressed through professional reporting and direct engagement with consultees. No material harm has been identified that would outweigh the clear and demonstrated benefits of the proposal.

In every respect - policy, precedent, context, and need - this is a responsible and justified application. It reflects national planning objectives, including NPPF Paragraphs 69, 82, 124, 135, and 219, and is exactly the kind of small-scale, locally-driven infill that the framework encourages.

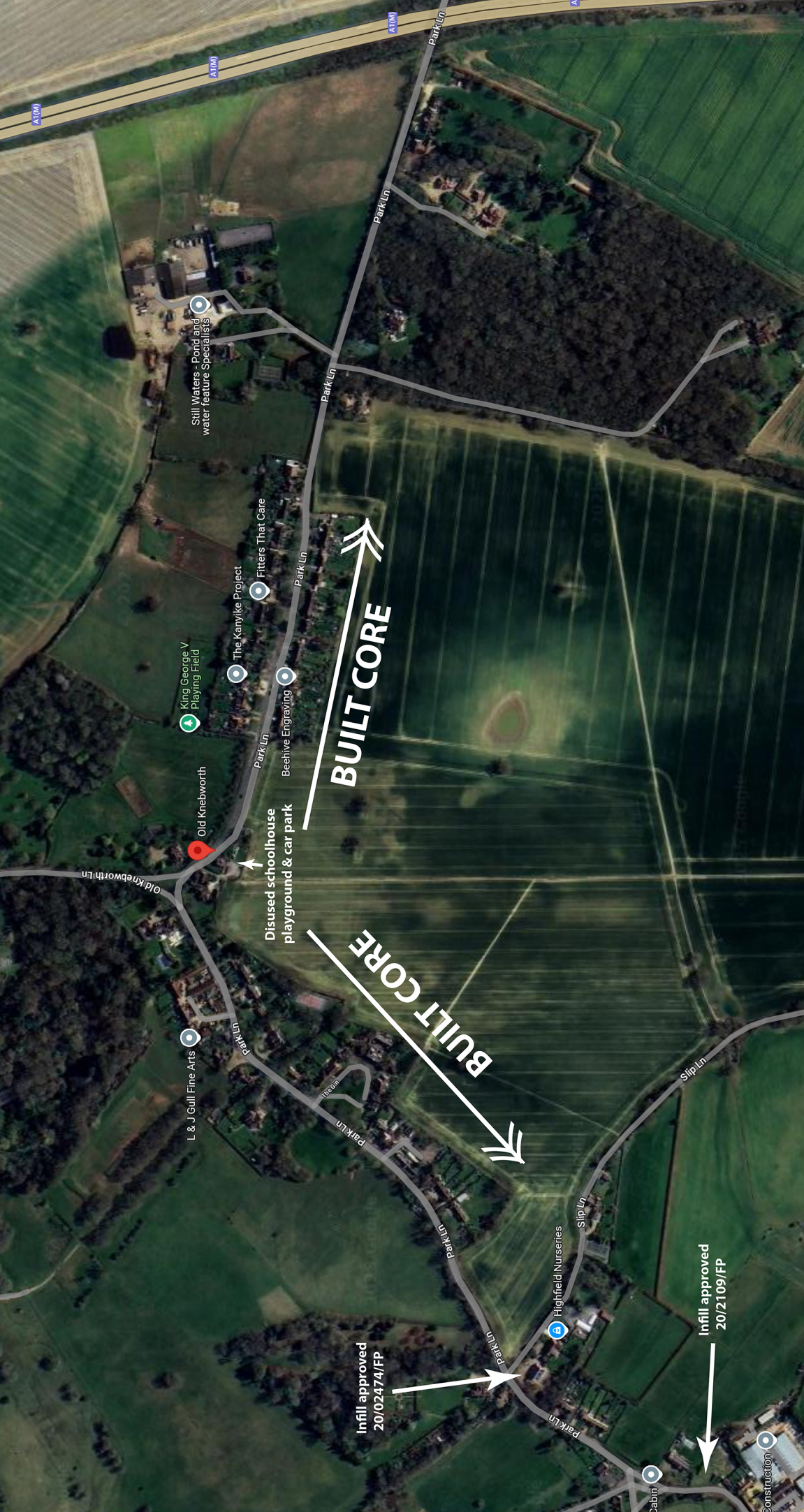
The Applicant therefore respectfully requests that the appeal be allowed and planning permission granted.

## APPENDICES

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- E: Email forwarded to the Planning Officer on 11 December 2024 addressing the concerns of the Council's Ecologist from Arbtech Consulting Ltd, whose initial PEA and BNG reports were submitted with the application

## APPENDIX A

Diagram of the Built Core of Old Knebworth



## APPENDIX B

Officer's Report for Old Knebworth Planning Application 20/02474/FP

**ITEM NO:**

Location:           **Ashcroft  
Slip Lane  
Old Knebworth  
Knebworth  
Hertfordshire  
SG3 6QG**

Applicant:           **Mrs Tracey Sullivan**

Proposal:           **Erection of one detached 4-bed dwelling including  
creation of vehicular access off Slip Lane**

Ref. No:              20/02474/FP

Officer:              **Tom Rea**

**Date of expiry of statutory period :** 24.12.2020

**Reason for Delay** (if applicable)

None

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

In view of Knebworth and Codicote Parish Council objections this application is being reported to Committee at the discretion of the Development & Conservation Manager

**1.0     Relevant History**

1.1     06/00724/1HH: First floor rear extension, single storey rear extension and pitched roof to front porch. Detached double garage. Granted 29.6.06

1.2     17/000493/1HH: Single storey side and rear extensions. Granted 21.04.17

**2.0     Policies**

**2.2     National Planning Policy Framework (2019)**

Generally relevant throughout although the following sections are particularly relevant:

- Section 5 'Delivering a sufficient supply of homes'
- Section 11 'Making effective use of land'
- Section 12 'Achieving well-designed spaces'
- Section 13 'Protecting green belt land'
- Section 15 'Conserving and enhancing the natural environment'
- Section 16 'Conserving and enhancing the historic environment'

## **2.3 North Hertfordshire District Local Plan 2011-2031 Proposed submission (September 2016) incorporating the Main Modifications (November 2018)**

Policy SP2: Settlement Hierarchy

Policy SP5 :Countryside and Green Belt

Policy SP6: Sustainable transport

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP13: Historic Environment

Policy T2: Parking

Policy D1: Sustainable Design

Policy D3: Protecting Living Conditions

Policy D4: Air Quality

Policy NE1: Landscape

Policy NE7: Reducing Flood Risk

Policy HE1: Designated Heritage Assets

Policy HE4: Archaeology

## **2.4 Codicote Neighbourhood Plan**

The Codicote Neighbourhood Plan area was designated on 24<sup>th</sup> June 2014. Consultation is currently being carried out by the Codicote Neighbourhood Forum. At present the Plan has no statutory weight.

## **3.0 Representations**

The following representations have been received:

### **3.1 Knebworth Parish Council:**

Objects. Site is in Green Belt and no exceptional circumstances have been put forward. A large detached dwelling is out of character with adjacent properties.

### **3.2 Codicote Parish Council:**

'Objection on the grounds of being within the green belt'

### **3.3 Local Residents:**

Several letters expressing concerns have been received. Full details can be seen on the Council's web site. Summary of the comments received :

- An overdevelopment of the site
- Will dominate the area

- May be further bedrooms
- Site within the Green Belt and Conservation Area
- Very limited development has been permitted in Nup End
- Will have an immediate visual impact
- Design, appearance and character not appropriate / in keeping
- Loss of important landscaping
- Harm to character and appearance of the Conservation Area

**3.4 Heritage England:**

Any comments received will be reported at the Committee meeting

**3.5 Hertfordshire Highways :**

No objections are raised. Recommends highway conditions and informatives

**3.6 NHDC Environmental Health Service:**

Contamination

Recommends a condition and informative

Air Quality

Recommends an Electric Vehicle ready domestic charging point condition and informative

Noise

No objections. Recommends a Construction phase informative

**3.7 Landscape and urban design officer:**

Advises that a landscaping and tree planting / tree protection conditions are attached to any permission.

**3.8 Hertfordshire County Council Historic Environment Advisor:**

Recommends conditions requiring the submission of an Archaeological Written Scheme of Investigation (WSI), compliance in accordance with the WSI and post investigation assessment and recording.

**3.9 Hertfordshire Ecology :** Recommends a Landscape and Ecological Management Plan condition, a compliance with the submitted ecological report by P. Irving and an informative covering various matters.

**3.10 NHDC Waste Management:**

Provides general advice on waste and recycling storage and collection arrangements.

## **4.0 Planning Considerations**

### **4.1 Site & Surroundings**

- 4.1.1 The application site is located at the junction of Slip Lane and Park Lane, Old Knebworth, approximately 2 km to west of the settlement of Knebworth. The site is within the Green Belt and the Old Knebworth Conservation Area.
- 4.1.2 The application site forms part of the garden of Ashcroft, a semi-detached two storey dwelling with detached double garage. Ashcroft has two vehicular access off Slip Lane one being gated. The application site is formed through the sub-division of the existing garden to Ashcroft and comprises 0.23 hectares and is relatively flat. The portion of garden the subject of this application consists mainly of mown grass with ornamental shrubs and small trees with a number of mature trees along the south west and north west perimeters of the site. The boundaries of the site also feature a mixture of beech and holly hedgerow interspersed with field maple.
- 4.1.3 To the west of the application site are a pair of semi-detached dwellings (the nearest being Ashcroft) and opposite the application site to the north west is Park Gate House a grade II listed building. To the rear of the site are several cottages (Nos 1 – 6 Park Lane). Park Lane and Slip Lane form the northern and western boundaries to the site. Directly opposite the site is an arable field beyond which are further dwellings within the village.
- 4.1.4 Old Knebworth is a rural village set in an agricultural and parkland landscape. The village is linear in form with development, in the main, fronting or being adjacent to the main carriageway running through it – Park Lane.
- 4.1.5 Old Knebworth is classified as a Category 'B' village in the Emerging Local Plan (2011 – 2031) .

### **4.2 Proposal**

- 4.2.1 This full planning application seeks consent for a single detached dwelling immediately to the west of Ashcroft between the existing double garage and the boundary with Park Lane. The dwelling would be 15.5 metres in overall width and 14 metres deep overall with a maximum ridge height above ground level of 11 metres. The eaves height would be 6 metres. The dwelling would be set back 17 metres from the Slip Lane boundary with a parking area between the front of the house and Slip Lane. The house would be of a traditional form and appearance comprising a gabled roof with chimneys, red brick elevations, plain tile roof and white painted timber georgian style windows. The rear facing roofslope contains two flat roofed dormer windows and the rear elevation includes a ground floor projection with parapet roof.
- 4.2.2 An existing gated access close to the Slip Lane / Park Lane junction would be closed up and a new vehicular access provided to serve the new dwelling. The existing vehicular access to Ashcroft would remain.
- 4.2.3 The application is supported by the following documents
  - Planning, design and access statement
  - Heritage Statement
  - Tree Survey
  - Ecological report

- Traffic count data

#### 4.2.4 **Key issues**

4.2.5 The key issues for assessment with this proposal are considered to be as follows:

- The principle of the development
- Impact of the development on the character and appearance of the area
- Impact on heritage assets
- Highway and access issues
- Sustainability
- Environmental issues including climate change impact
- Living conditions
- Planning balance

#### 4.2.6 **The principle of the development**

4.2.7 The site is within the Green Belt and paragraph 143 of the NPPF confirms that inappropriate development in the Green Belt is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states that new buildings should be regarded as inappropriate in the Green Belt however it sets out exceptions to this including *'limited infilling in villages'* (Paragraph 145 e))

4.2.8 Saved Policy 2 ('Green Belts') of the adopted local plan is consistent with the NPPF insofar as it seeks to resist inappropriate development within the Green Belt. Saved Policy 3 ('Settlements within the Green Belt') states that the Council will not normally permit development proposals except in certain circumstances including *'a single dwelling on a small plot located within the built core of the settlement, which will not result in the outward expansion of the settlement or have any other adverse impact on the local environment or other policy aims within the Green Belt'*.

4.2.9 The application site is located within Old Knebworth village. Old Knebworth is identified in Policy SP2 of the Emerging Local Plan (ELP) as a Category B village within which development will be permitted which does not extend the built core of the village.

4.2.10 Old Knebworth, although comprised of several distinctive parts, is a predominantly residential settlement of over 60 dwellings served by a classified road linking the major settlements of Codicote and Knebworth. In terms of community facilities the village includes Knebworth House and Garden, the Lytton Arms public house and St. Marys Church. Knebworth Cricket Club is located next to Knebworth House however planning permission exists to relocate the club to the western side of Park Gate House. Bus services extend into the village with bus stops located close to the war memorial and there is a significant village green. The settlement is consistently referred to as a village in the ELP and other documents such as the Old Knebworth Conservation Area Character statement.

4.2.11 Taking the above matters into account I am satisfied that Old Knebworth constitutes a village and therefore meets the necessary definition as part of the exception at paragraph 145 e) of the NPPF .

- 4.2.12 The term 'infilling' is not defined in the National Planning Policy Framework but is generally taken to mean the development of a gap in an otherwise built up frontage. The proposal would be set alongside the existing dwelling Ashcroft within an existing residential garden and there is further built form directly opposite the site at Park Gate House as well as immediately to the rear of the site with the row of cottages at Nos. 1 – 6 Park lane. The site is also boundaried by Slip Lane and Park Lane. In these circumstances I am of the view that the proposal could reasonably be described as 'infill development' and therefore meets the exception at 145 e) of the NPPF.
- 4.2.13 As mentioned above Policy SP2 of the ELP allows for development in a Category 'B' village that does not extend beyond the built core. Given the relative containment of the site by surrounding built development as described above it is considered that the proposal would not result in an expansion of the settlement beyond its built core and therefore would comply with Policy SP2 in this regard.
- 4.2.14 Paragraph 48 of the NPPF allows for Local Authorities to give weight to relevant policies in emerging plans according to the following:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
  - b) the extent to which there are unresolved objections to relevant significant the unresolved objections, the greater the weight and*
  - c) the degree of consistency of the relevant policies in the emerging Framework (the closer the policies in the emerging plan to Framework, the greater the weight that may be given).*
- 4.2.15 In terms of a) the ELP is at an advanced stage of preparation following several years of consultation, the publication of Main Modifications and the conclusion of the latest Examination in Public sessions. In terms of b) throughout the ELP process so far there has been very little discussion or objection raised concerning the lower tiers of the settlement hierarchy (including the proposed Category 'B' villages) and no suggestion that Policy SP2 should be revised in terms of the Category B village designations. Finally in terms of c) I consider that the infill policy to be allowed in these villages is broadly in line with the relevant policies in the NPPF and specifically paragraph 145 e) which allows for '*limited infilling in villages*'.
- 4.2.16 An assessment of the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it also needs to be considered. The site is within an established residential garden contained by mature landscaping and Slip Lane and Park Lane. Built form in the forms of Park Gate House, Ashcroft and Nos. 1 – 6 Park Lane are adjacent to the site on three sides. As such it is not considered that the openness of this part of the Green Belt would be harmed.
- 4.2.17 Having regard to the five Green Belt purposes set out at paragraph 134 of the NPPF the proposed development would not result in urban sprawl or the merging of neighbouring towns. It would not encroach upon open countryside given its position in relation to the built form surrounding it as mentioned above. The proposal does not affect any historic town and the last bullet point of paragraph 134 is not relevant in terms of recycling derelict and other urban land. It is concluded therefore that the proposed development does not conflict with the purposes of including land within the Green Belt and no harm would be caused to the openness of the Green Belt.

#### **4.2.18 Summary on the principle of the development**

Given the analysis above it is considered that the proposal would constitute limited infilling within a village meeting the exception identified at paragraph 145 e) of the NPPF. Accordingly, the proposal would not be considered inappropriate development in the Green Belt and no very special circumstances would need to be advanced to justify the development. In addition, there would be no conflict with the five purposes of Green Belt as set out in paragraph 134 of the NPPF. Furthermore, the proposal would be generally in compliance with the criteria set out in the settlement hierarchy strategy under Policy SP2 of the Emerging Local Plan.

#### **4.2.19 Impact on character and appearance**

4.2.20 The application site currently forms part of the garden curtilage of Ashcroft. Ashcroft and the adjoining semi-detached Highfield Cottage are two storeys in height with steep pitched roofs and chimneys with red brick and plain tiles as the main external materials. The proposed dwelling would have a traditional form and appearance with similar materials and features as the adjacent cottages. The ridge height of the new dwelling would be no higher than the existing dwellings and the siting of the dwelling would be on a similar alignment as that of the cottages. Two flat roofed dormer windows are proposed in the rear elevation and set within the roof slope and these would be of a similar scale and proportion to those at Park Gate House opposite. The new house would sit comfortably within its curtilage with considerable separations distances from Ashcroft and the site boundaries with Slip Lane and Park Lane.

4.2.21 A key characteristic of the existing group of buildings is not only their traditional form and appearance but their landscaped setting. The existing generous garden to Ashcroft contributes significantly to this verdant and well established landscaped setting. The applicant has commissioned a tree survey report to evaluate the impact of the development on the existing landscaping. The survey reveals that out of the existing 14 individual trees, 5 groups of trees and two hedgerows only one moderate tree, one low quality tree and one low quality group will need to be removed to facilitate the development. It acknowledges that the loss of trees at the site frontage will impact on visual amenity but that this can be compensated for with additional low level planting. The limited footprint of the new dwelling comparative to the plot size together with its location primarily within existing lawned area means that the vast majority of the mature trees and planting within the site can be retained thus maintaining the landscaped character of the area. The tree survey makes recommendations including a root protection strategy should permission be granted.

4.2.22 Overall it is considered that the design of the proposed dwelling, the retention of existing landscaping around the site and the separation from existing dwellings is sympathetic to the prevailing built form, rural appearance and spatial context of the locality.

#### **4.2.23 Summary on character and appearance**

The proposed development promotes a high standard of design and layout and a harmonious integration with the existing distinctive landscape character. The proposal would be sensitive to its surroundings and would meet the criteria set out in Policy 57 of the Local Plan and paragraph 127 of the National Planning Policy Framework. Accordingly the proposal would have an acceptable impact on the character and appearance of the area.

#### **4.2.24 Impact on heritage assets**

- 4.2.25 The site is within the Old Knebworth Conservation Area and within the setting of Park Gate House which is located immediately opposite the site to the north west. The impact of the development on the setting of Knebworth Park, a Grade II \* Registered Park and Garden is also a material planning consideration. In addition, Ashcroft and Highfield Cottage are identified as 'positive buildings' on the Old Knebworth Conservation Area Map.
- 4.2.26 The submitted Heritage statement addresses the significance of the designated heritage assets and the impact of the development on the assets. In respect of the impact on the Conservation Area the statement concludes that the development would reflect the grain of development in the immediate area and the proposed dwelling would be of a scale and design in keeping with the adjacent cottages. No important green spaces within the Conservation would be affected. I would agree with this view particularly as the development would be confined to the existing garden of Ashcroft and that the majority of the mature planting around the site would be retained. It is acknowledged that there will be some views of the dwelling on the approach to the site along Park Lane from the east however these views would be partially screened by retained landscaping and would be experienced alongside views of the existing cottages. Some landscaping will be removed to facilitate the vehicular access and views will be obtained of additional hardstanding and built development to users of Slip Lane in passing the site entrance.
- 4.2.27 Park Gate House (Grade II) is located on the opposite corner of the application site. The house has no known functional relationship with Ashcroft and is set back behind a high boundary wall and further screened by mature trees. I would agree with the Heritage statement that there is limited intervisibility between the listed building and the application site and that the setting of Park House would not be affected by the proposed development.
- 4.2.28 Knebworth Park and Garden is (RPG) opposite the application site and comprises over 300 hectares of parkland in a rural setting. The application site is very much on the periphery of the RPG and because it is contained within an existing residential garden, is well screened by trees and across the main road from the RPG boundary the development is unlikely to have any impact its setting as a heritage asset.
- 4.2.29 In terms of archaeological assets it has been documented that the settlement may have Saxon or medieval origins. The County Historic Environment Advisor considers that this matter can best be addressed via an appropriately worded archaeological condition.
- 4.2.30 Summary on the impact on heritage assets

For the reasons set out above overall I consider that the proposed development is unlikely to have any significant effect on the designated heritage assets and if there were any perceived harm this would be at the lower end of the scale in terms of 'less than substantial harm' as mentioned in Section 16 of the NPPF.

#### **4.2.31 Highway and access issues**

- 4.2.32 The proposal would involve a new vehicular access off Slip Lane although an existing vehicular access closer to the Slip Lane / Park Lane junction would be closed up. A standard vehicular access of 4.1 metres in width will serve the new dwelling and the hardstanding area will enable vehicles to turn around within the site and exit onto Slip Lane in forward gear. Three on site car parking spaces will be sufficient to meet the parking needs for this dwelling and will comply with current parking standards.

4.2.33 The applicant has commissioned a traffic survey count which records traffic speeds at this part of Slip Lane as being well below 30 mph. The submitted plans demonstrate that the required visibility splays can be achieved either side of the proposed access.

4.2.34 The Highway Authority has assessed this proposal as being acceptable in highway terms commenting as follows:

*'Hertfordshire County Council as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways and does not wish to restrict the grant of permission subject to the recommended planning conditions and highway informative above.'*

4.2.35 Summary on highway issues

The provision of one additional dwelling in this location would not significantly add to traffic levels and no objections have been raised by the Highway Authority.

4.2.36 **Sustainability**

4.2.37 Paragraph 7 confirms the purpose of the planning system is to contribute to the achievement of sustainable development whilst paragraph 8 sets out the economic, social and environmental dimensions of sustainable development. In terms of the social dimension the development site is within a category 'B' village and not far from other buildings or people and therefore not isolated in terms of paragraph 79 of the NPPF. The proximity of the site to village facilities would allow for social interaction and help support village facilities as well as other facilities in nearby Knebworth and Codicote and therefore the development would provide some positive social benefit.

4.2.38 There would be some limited economic benefit associated with the construction of the dwelling and once occupied an on-going small contribution in terms of likely use of local facilities and services as well as providing a modest contribution towards local housing supply. Such economic benefits will have some weight in the planning balance.

4.2.39 In terms of the environmental dimension the NPPF requires that developments should be located and designed where practical to give priority to pedestrian and cycle movements and access to high quality public transport facilities. In this case a bus service is available in the village and a public footpath runs northwards from the site into the village and is continuous into Knebworth. Knebworth station is within a relatively short cycle ride and a few minutes by car. Paragraph 103 of the NPPF advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and therefore a higher proportion of journeys by car should be expected in rural areas. Nevertheless the proposal is unlikely to result in many additional car journeys and it is noted that the applicant is proposing an electric vehicle car charging point which may offset some environmental emissions through car usage.

4.2.40 Summary on sustainability

It is considered that the proposed development would provide a suitable location for housing having particular regard to the relatively good access to services and facilities.

Moreover, the Category 'B' village status proposed for Old Knebworth in the Emerging Local Plan does infer that the location is appropriate for some limited growth.

4.2.41 **Environmental issues**

4.2.42 The application site is garden land and unlikely to be contaminated. The Council's Environmental Health officer is satisfied with the submitted self-assessment form and only requires a land contamination condition as a precautionary measure in the event that any contamination is found during works.

4.2.43 The applicant has commissioned an ecological survey to assess habitats on the site and the potential for protected species to be present. None of the trees were considered suitable for bat roosts however with the retention of a large percentage of the existing trees, shrubs and hedges the survey concluded that there the site could continue to provide habitat for local wildlife. Biodiversity gain could be secured through bat and bird boxes and the report makes several recommendations in this regard. No objections are raised by Hertfordshire Ecology.

4.2.44 The site is within Flood Zone 1 where there is the lowest risk of flooding. The retention of a large a garden area ensures that surface water run-off can easily be managed through soakaways and permeable paving for example.

4.2.45 In terms of future proofing the development with regard to climate change the development will incorporate an Electric Vehicle charging point and the size of the plot can facilitate the inclusion of low and zero carbon technologies such as ground source heat pumps. The applicant proposes a 'fabric first' approach to construction of the dwelling with high levels of insulation and energy efficient measures to exceed current building regulations requirements.

#### 4.2.46 Summary on environmental issues

Overall it is considered that this relatively small scale development has the potential to meet the challenge of climate change and comply with the sustainable design criteria set out in ELP Policy D1.

#### 4.2.47 **Living conditions**

4.2.48 The proposed dwelling would provide parking and amenity space for the future occupiers that meets or exceeds current standards. Given the good separation distances between the new dwelling and the nearest adjacent dwellings it is considered that the proposed development would not have a detrimental effect on the living conditions of neighbouring occupiers.

#### 4.2.49 Summary on living conditions

The proposed development would result in acceptable living conditions for the prospective occupiers and would not have an adverse impact on neighbours amenity. The development would be in accordance with Policy 57 of the adopted plan and Policy D3 of the ELP.

#### 4.2.50 **Planning balance**

4.2.51 Paragraph 11 of the NPPF states that there should be a presumption in favour of sustainable development. It advises that unless there is a clear reason for refusing development in protected areas (such as the Green Belt, Conservations Areas and where designated heritage assets may be affected) then planning permission should be granted. In this case the impact on the protected areas / assets is acceptable in planning policy and heritage terms. The Council cannot demonstrate a five year supply of deliverable housing sites and therefore where there is no adverse impact on protected areas and the adverse impact of granting planning permission is outweighed by the benefits then the presumption is in favour of granting permission. This tilted balance weighs in favour of the proposal.

4.2.52 It has been demonstrated that there are economic, social and environmental benefits of the proposals. The development is of high quality design that has the potential to function well and add to the overall quality of the area. The impact on designated heritage assets would be neutral. There would be no harm to the openness of the Green Belt. The proposal would be consistent with the Council's settlement strategy under Emerging Local Plan Policy SP2. The proposal is acceptable in terms of highway safety and there would be no material harm to existing neighbours amenity. Cumulatively these positive aspects of the scheme also weigh in favour of the development.

4.2.53 There would be some loss of landscaping along the site frontage and some views of the proposed dwelling. Generally however the landscape sensitivities of the location are respected and with additional planting as proposed the landscape impact of the proposals can be mitigated to an acceptable degree.

#### 4.2.54 **Conclusion**

4.2.55 The proposed development would not be in conflict with Green Belt policy and would be in general compliance with the policies set out in the National Planning Policy Framework as a whole and also in accordance with the relevant policies in the adopted local plan and the Emerging local plan, in particular the settlement strategy. The adverse impacts of the proposal are limited and are outweighed by the benefits. In these circumstances it is concluded that the presumption lies in favour of sustainable development and that permission therefore should be granted subject to appropriate conditions.

#### **Alternative Options**

None applicable

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

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

### 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 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. Notwithstanding the information submitted, full details of landscaping shall be submitted to and approved in writing by the local planning authority prior to works commencing to implement this permission. The landscaping details shall include:
  - o Details of all hard landscape surfaces
  - o Details of all new trees and shrubs including species, size and planting densities
  - o Details of all trees and shrubs to be removed

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the completed scheme in the interests of visual amenity and the landscape character of the area.

4. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

5. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

6. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

7. Prior to the first occupation of the development hereby permitted the main vehicular access shall be provided 4.1 metres wide and thereafter the access shall be retained at the positions shown on the approved drawing number PL-150 revision B . Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous

material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

8. Prior to the first occupation of the development hereby permitted the disused access shall be closed and the verge shall be reinstated along the frontage of the site to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

9. The gradient of the vehicular accesses shall not exceed 1:20 for the first 6.0 metres into the site as measured from the near channel edge of the adjacent carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

10. Before the access is first brought into use vehicle to vehicle visibility splays of 2.4 metres x 31 metres to the south easterly direction and 2.4 metres x 19 metres to the north westerly direction shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

11. Any suspected contamination encountered during the development of this site, shall be brought to the attention of the Local Planning Authority as soon as practically possible; in such a case, 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.

12. Prior to occupation, the proposed new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

13. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme and methodology of site investigation and recording as suggested

by the archaeological evaluation.

3 The programme for post investigation assessment

4. Provision to be made for analysis of the site investigation and recording

5. Provision to be made for publication and dissemination of the analysis and records of the site investigation

5. Provision to be made for archive deposition of the analysis and records of the

6. Provision to be made for archive deposition of the analysis and records of the site investigation

7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To ensure adequate protection and preservation of any assets of archaeological significance.

14. The demolition / development shall take place / commence in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation

Reason: To ensure adequate protection and preservation of any assets of archaeological significance.

15. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis and publication where appropriate.

Reason: To ensure adequate protection and preservation of any assets of archaeological significance.

16. Prior to its construction full details of the proposed garden store shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

17. The development hereby permitted shall be carried out in full accordance with the recommendations set out in the submitted Tree Survey by RGS Arboricultural consultants. The works shall include tree protection measures as set out in Appendix 3.

Reason: In the interests of visual amenity and to protect the landscape setting of the site.

18. The development hereby approved shall be carried out in full accordance with the recommendations and mitigation set out in the submitted Ecological Survey by P. Irving dated July 2020.

Reason: In the interests of nature conservation and biodiversity gain.

19. Prior to the commencement of the development hereby approved a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- o location of replacement planting
  - o provisions to facility the free movement of hedgehogs;
  - o boxes for nesting songbirds or swifts.

Reason: In the interests of nature conservation and biodiversity gain.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. 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.

Informative/s:

1. EV CHARGING POINT SPECIFICATION INFORMATIVE:

Each charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments).

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed determination point within a garage or an accessible enclosed termination point for future connection to an external charge point.

- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

2. Ecology informative:

"Any significant tree/shrub works or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest."

"To avoid killing or injuring of hedgehogs it is best practice for any longer, ruderal vegetation to be cleared by hand. To avoid creating refugia that may be utilised by hedgehogs, materials should be carefully stored on-site on raised pallets and away from the boundary habitats. Piles of materials that could act as refuges for wildlife should be removed as soon as possible. If left for any period of time, they should be checked for the presence of wildlife prior to moving.

"Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped."

3. Construction Informatives

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.

During the change of use 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.

## APPENDIX C

Appeal Decision for Old Knebworth Planning Application 20/2109/FP

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## Appeal Decision

Site visit made on 30 November 2021

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 March 2022**

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**Appeal Ref: APP/X1925/W/21/3274409**

**Nup End Farm House, Nup End, Old Knebworth SG3 6QJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr W Bly of Bly Developments Ltd against the decision of North Hertfordshire District Council.
  - The application Ref 20/2109/FP, dated 18 September 2020, was refused by notice dated 22 January 2021.
  - The development proposed is the erection of one 4-bed and two 3-bed detached dwellings including alterations to existing access.
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### Decision

1. The appeal is allowed, and planning permission is granted for the erection of one 4-bed and two 3-bed detached dwellings including alterations to existing access at Nup End Farm House, Nup End, Old Knebworth SG3 6QJ in accordance with application Ref: 20/2109/FP, dated 18 September 2020 and the plans submitted with it and subject to conditions in the attached schedule.

### Preliminary Matters

2. For clarity, I have taken the name of the appellant from the appeal form as it is more precise.
3. The Government published the revised National Planning Policy Framework on 20 July 2021 (the Framework). The main parties have had an opportunity to comment on the significance of the changes.
4. The parties have referred to policies contained within the emerging North Hertfordshire District Council Local Plan 2011-2031 (the emerging LP). Given the stage of preparation and the degree of consistency with the Framework, I attach significant weight to the emerging policies. Notwithstanding this, the starting point for determining this appeal remains the North Hertfordshire District Council – District Local Plan No.2 with Alterations 1996 (saved policies 2007) (Saved DLP).
5. Saved DLP Policy 2 is broadly consistent with the Framework. However, saved DLP Policy 3 does not accurately reflect current national Green Belt policy and is consequently not consistent with the Framework. Therefore, I have not referred to saved DLP Policy 3 in the determination of this appeal and have instead used the wording from the Framework. Additionally, the Council has referred to emerging LP Policy D1 in its reason for refusal, but I do not consider this policy to be relevant to this appeal as it relates to sustainable design.

## Main Issues

6. The main issues are:

- i. whether the proposed development is inappropriate development in the Green Belt; and
- ii. whether the proposed development would provide a suitable location for housing having regard to the accessibility of services and facilities.

## Reasons

### *Inappropriate development in the Green Belt*

7. Paragraph 149 of the Framework provides that the construction of new buildings should be regarded as inappropriate subject to exceptions. One exception to this is Paragraph 149 e) limited infilling in villages, which the appellant has referenced in his submission. The terms "limited" and "infilling" are not defined in the Framework. Additionally, in respect of limited infilling in villages as an exception, the definition of "village" is a matter of judgement as it is not defined within the Framework either.
8. My attention has also been drawn by the appellant to a judgment<sup>1</sup> (the judgment), which I have noted. I consider this to be relevant in the determination of this appeal, and form a material consideration, which I give significant weight. The judgment found, amongst other things, that the Inspector was required to consider whether, as a matter of fact on the ground, the site appeared to be in the village. Furthermore, it advised the physical circumstances of a site and its relationship to a settlement are more relevant than a designated village boundary in determining whether a site can be considered to be infill development.
9. Additionally, the appellant has drawn my attention to a number of planning applications and a plethora of appeal decisions<sup>2</sup>, which I have noted. Particular attention has been drawn by the appellant to the planning applications for a detached dwelling (20/02474/FP) and the conversion of a water tower (20/02911/FP). I consider both of these approved planning applications to form material considerations, in the determination of this appeal, as they are in the vicinity of the site. However, the site off Slip Lane is of particular relevance, as it was considered to form part of Old Knebworth and is in proximity of the proposed development.
10. Both parties acknowledge that the site is not located within a settlement boundary, and I note the dispute between the parties on whether the appeal site is located within Old Knebworth. The main area of Old Knebworth is located in a north-easterly direction of the site. The site is located within a number of properties, comprising residential and commercial uses. Whilst there are parcels of open land between the site and the main part of the village, the extent of the gaps in the built environment are not excessive.
11. Furthermore, parcels of open land are evident in other parts of Old Knebworth, and Park Lane has a continuous 30mph speed limit for the section of road that

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<sup>1</sup> Wood v Secretary of State for Communities and Local Government [2015] EWCA Civ 195 (09 February 2015)

<sup>2</sup> APP/X1925/W/21/3273701; APP/B1930/W/203265925; APP/B1930/W/203265926; APP/M1520/W/20/3246788; APP/A0665/W/3247387; APP/P2365/W/19/3235741; APP/P3040/W/19/3224712; APP/B5480/W/18/3200843; APP/P1940/W/17/3187494

runs past the site, continuing to, and then through the main area of Old Knebworth. There is little doubt to the existence of Nup End. However, due to a distinct lack of transition in the built environment, the site has a very close relationship with Old Knebworth as a settlement, forming part of its character as a village location. Additionally, as the site forms part of the Old Knebworth Conservation Area (the OKCA), this reinforces the synergy between the site and Old Knebworth, albeit not visually.

12. Whilst noting the concerns raised by CPRE Hertfordshire, I consider that having regard to the position and nature of the site, the proposed development can be considered to be physically and visually related to Old Knebworth, to comprise limited infilling in a village. Therefore, the construction of the proposed development in this location should not be considered to constitute inappropriate development in the Green Belt as it would comply with the exception at paragraph 149 e) of the Framework. Consequently, I conclude that the proposed development complies with the Green Belt aims of saved DLP Policy 2, emerging LP Policy SP5 and the requirements of the Framework.
13. As I have not found that Green Belt harm would arise in this case, it is not necessary to consider the effect of the proposed development on Green Belt openness. Additionally, the demonstration of very special circumstances is not required to make the proposed development acceptable.

#### *Suitable location for housing*

14. I do not consider the site to be isolated in the context of paragraph 80 of the Framework, given its proximity to other properties. Although, it would appear highly likely that future occupiers would be more reliant on the use of a private motor vehicle. I acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that development in one village may support services in a village nearby. I also accept that the proposed development is unlikely to generate significant vehicle movements. Additionally, some services are present in the main area of Old Knebworth a short distance away, easily accessible through walking or cycling. A section of Park Lane forms part of the Great North Way (Route 12) cycleway (the GNW), which then travels along Old Knebworth Lane towards Stevenage. The GNW also travels along Slip Lane, leading to Rabley Heath and Codicote.
15. My attention has been drawn towards a local bus service (No's 44 and 45), where a bus stop is located a short distance from the site. I am informed that this service provides access to Luton and Stevenage, where a larger range of shops and services could be accessed. I have not been informed of any reliability issues of these bus services and therefore consider the site to have an alternative mode of transport to the private car. Although, I accept that the rural nature of the service is likely to result in some imitations. Nonetheless, I am satisfied that a variety of transport modes would be available to future occupiers to service their day-to-day requirements.
16. I find that the proposed development would accord with the overall sustainable development strategy aims of emerging LP Policy SP1. As Old Knebworth is listed as a Category B village and the proposed development amounts to limited infilling, the scheme accords with the settlement hierarchy aims of emerging LP Policy SP2. Furthermore, due to the above findings, the location of the proposed development accords with the sustainable transport aims of emerging LP Policy SP6 and the requirements of the Framework, particularly

paragraphs 79 and 105. Consequently, I conclude that the site would represent a sustainable location for housing.

### **Other Matters**

17. There is agreement between the parties that the development is not considered to result in any harm to the significance of the heritage assets<sup>3</sup>. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses.
18. I have also had regard to Section 72 (1) of the Act, which sets out that in the exercise of planning functions with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. In both instances, I agree with the Council's observations and in the absence of substantive evidence to the contrary, I find that the proposed development would conserve the heritage assets in a manner appropriate to their significance, in line with the Framework.
19. Additionally, I have had regard to the concerns of local residents and Codicote Parish Council, including reference to living conditions (particularly overlooking and loss of privacy), character and appearance, waste and water drainage (utilities) and highways safety, amongst other things. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

### **Conditions**

20. The Council has suggested conditions which I have considered, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 56 of the Framework and the Planning Practice Guidance.
21. In addition to conditions relating to the time limit for implementation, for reasons of certainty a condition requiring the development to be undertaken in accordance with approved plans is necessary. Materials and landscaping conditions are necessary in the interests of the character and appearance of the appeal site and surrounding area.
22. Pre-commencement conditions relating to the access / carriageway, Construction Traffic Management Plan are all reasonable and necessary in the interest of highway safety. A pre-commencement condition for a Construction Method Statement is reasonable and necessary in the interest of highway safety and the living conditions of neighbouring occupiers.  
A pre-commencement condition is reasonable and necessary in relation to contamination and the interests of future occupiers.
23. A pre-occupation condition is reasonable and necessary for the installation of an electric vehicle charging point at all dwellings to ensure that alternative

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<sup>3</sup> The OKCA / Nup End Farm House, which is Grade II listed.

methods of travel are available to future occupants of the proposed development. A pre-occupation condition is reasonable and necessary surrounding the first 10 metres of the access for highway safety. Finally, a pre-occupation condition is reasonable and necessary surrounding the installation of obscure glazing in some of the proposed windows, to ensure that the living conditions of neighbouring occupiers are not harmed.

24. I have not included a condition to withdraw permitted development rights on the proposed development. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Permitted development is development for which the principle has already been granted by secondary legislation, and there are no restrictions for domestic extensions or development within the curtilage of a dwelling located within a Green Belt. In this instance, it would not be reasonable or necessary to impose such a condition restricting the future exercise of permitted development rights.

### **Planning Balance and Conclusion**

25. The Framework does not change the statutory status of the development plan as the starting point for decision making and planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
26. I have concluded that the proposed development does not amount to inappropriate development in the Green Belt. There is also an absence of other harm arising from the scheme, including the location of the site with regards to its sustainability. Also, I have not found conflict with the requirements of the Framework. Therefore, I am also satisfied that subject to the imposition of appropriate conditions, there would be no harm with respect to any other matters.
27. The provision of what is likely to be family homes would generate additional social benefits. In addition, there would be economic benefits for the locality, both during the construction phase and resultant occupation of the dwellings. Furthermore, the proposed development would make a modest, but important contribution to the Council's 5-year housing land supply, where a supply of 1.47 years can only be demonstrated. Overall, I consider that there would be no adverse effects resulting from the proposed development that would significantly or demonstrably outweigh my findings on the main issues.
28. For the above reasons, I conclude the appeal should be allowed.

*W Johnson*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

#### **Time limit**

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

## **Approved drawings**

2) The development hereby permitted shall be carried out in accordance with the following approved plans: BLYDNR-1-5-001A; BLYDNR-1-1-002A; BLYDNR-1-1-003B; BLYDNR-1-2-001A; BLYDNR-1-2-002A; BLYDNR-1-2-003A; BLYDNR-1-3-001A; BLYDNR-1-3-002A and BLYDNR-1-3-003A.

## **Pre-commencement**

3) Prior to commencement of the approved development, details and / or samples of materials to be used on all external elevations of the development hereby permitted shall first be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

4) Prior to commencement of the approved development, the following landscape details shall first be submitted and approved in writing by the local planning authority:

a) which, if any, of the existing vegetation is to be removed and which is to be retained;

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting;

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;

d) details of any earthworks proposed

The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species.

5) Prior to commencement of the approved development, detailed engineering drawings of all highway works must first be submitted to and approved in writing by the Highway Authority. Development shall be carried out in accordance with the approved details / samples.

6) Prior to commencement of the approved development, a Construction Traffic Management Plan must first be submitted to and approved in writing by the local planning authority in consultation with the Highway Authority. The Construction Traffic Management Plan shall include construction vehicle numbers / routing. Thereafter, the construction of the proposed development shall only be carried out in accordance with the approved Plan.

7) Prior to the commencement of the approved development, a Construction Method Statement shall first be submitted 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 Statement. The Construction Method Statement shall address the following matters:

a) Phasing plan for the work involving the new access.

- b) Operation times for construction vehicles.
- c) Construction and storage compounds (including areas designated for car parking).
- d) Siting and details of wheel washing facilities.
- e) Cable trenches.
- f) Foundation works.
- g) Substation/control building.
- h) Cleaning of site entrance and the adjacent public highways.
- i) Disposal of surplus materials.

8) Prior to the commencement of the approved development, an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall be submitted to, and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.

### **Pre-occupation**

9) Prior to first use and occupation, each of the 3 proposed new dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point, which shall be maintained and retained for the life of the development.

10) Prior to first use and occupation, the development hereby permitted, proposed access must be re-constructed for the first 10 metres from the existing carriageway, where the gradient shall not be steeper than 1 in 20.

11) Prior to first use and occupation, the first-floor windows on the side elevations of the proposed dwellings on Plot B and Plot C shall be obscure glazed. Details of the type of obscured glazing shall first be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall then be retained and maintained for the life of the development.

**\*\*End of Schedule\*\***

## APPENDIX D

Letter to the Planning Department on 18 February 2025 containing a full updated response to the planning application by the Hertfordshire Highways Case Officer following an on-site consultation on 17 February 2025



Mark Youngman  
Development Management Group Manager  
Hertfordshire County Council  
Postal Point CHN115  
Farnham House  
Six Hills Way  
Stevenage  
SG1 2ST

## **Response to Planning application from Hertfordshire County Council (T and CP GDP Order 2015)**

### **Director of Planning**

North Hertfordshire Council  
Council Offices  
Gernon Road  
Letchworth Garden City  
Hertfordshire  
SG6 3JF

District ref: 24/02652/FP  
HCC ref: NH/23176/2024  
HCC received: 3 December 2024  
Area manager: Manjinder Sehmi  
Case officer: Shamsul Huda

### **Location**

Old School House , Park Lane, Old Knebworth, Hertfordshire, SG3 6PR

### **Application type**

Full Application

### **Proposal**

Full Planning Permission : Erection of five single storey terraced dwellings with associated landscaping, boundary fencing and cycle storage

### **Recommendation**

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:

#### **Condition1: Cycle Parking – Shown on the plan.**

Prior to the first occupation of the development hereby permitted, the proposed cycle parking spaces as shown on the approved drawing (Ref- 22416-102, Rev-B) shall be provided and retained thereafter permanently for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards.

#### **Condition 2: Car Parking:**

Prior to the first occupation of the development hereby permitted the proposed onsite carparking areas shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the approved plan (Ref- 22416-101, Rev-B) and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

**Condition 3: New Footway Link, Internal Footway and Refuse collection point.**

Prior to the first occupation of the development hereby permitted the proposed new footway link, all internal footways and refuse collection points as shown on the approved drawing (Ref- 22416-102, Rev-B) shall be constructed with the full satisfaction of LPA and via a s278 agreement with highways and retained thereafter available for that specific use.

**Condition 4: Visibility Splays**

Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan (Ref- 22416-100, Rev-B). The splay shall always thereafter be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Roads in Hertfordshire, Section 4, 2.3

**Condition5: Construction Traffic Management Plan (CTMP):**

No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing.
- b. Access arrangements to the site.
- c. Measure to minimise dust, noise machinery and traffic noise impacts during construction.
- d. Screening and hoarding details to protect neighbouring residents.
- e. Traffic management requirements, including the location of routes and from the site, details of their signing monitoring and enforcement measures.
- f. Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
- g. Siting and details of wheel washing facilities.
- h. Cleaning of site entrances, site tracks and the adjacent public highway including end of day tidying procedures to ensure protection of the site out the hours of construction. The construction activities shall be designed and undertake in accordance with the code of best practice set out in BS 5228 1997 and the agreed details unless otherwise agreed in writing by the LPA and Highways.
- i. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.
- j. Provision of sufficient on-site parking prior to commencement of construction activities.
- k. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
- l. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes, and remaining road width for vehicle movements.

**INFORMATIVES:**

AN) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Roads to remain private: The applicant is advised that all new roads\* / the access routes marked on the submitted plans \* / the access routes [describe\*] [\*delete as appropriate] associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

AN) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN) Works within the highway (section 278): 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 County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

#### **COMMENTS:**

This is a full planning application for erection of 5 single story dwellings with associated road, parking, and ancillary works.

Key policy documents used to assess the planning application are.

1. National Planning Policy Framework (Dec 2024).
2. Hertfordshire County Council's (HCC) Local Transport Plan-4 [2018-2031, May2018]
3. HCC's Place & Movement Planning Design Guidance adopted in March 2024
4. Manual For Street (MfS1 2007)
5. North Herts Local Planning policy [2011-2031]

After having a site meeting, the applicant has submitted a set of amended drawings which seemed satisfactory and addressed issues that have been raised in my previous comments.

**New footway link:** The applicant has agreed to provide 2m wide internal footways within the application site which is shown on the amended drawing (22416-101, Rev-B). The highway authority is content with the proposed 2.5m wide footway link to connect internal footways with the existing footways along Park Lane. This footway link will provide pedestrians & cycle access. This link also will be used for refuse bins collection from Park Lane kerb side. As discussed in the site meeting, this footway link will be delivered via a s278 agreement (possible a minor s278 due to its small scale). The applicant needs to apply for s278 works via HCC website and details can be found in the highway informative.

Interns of visibility, the highway authority accepts that this is an existing access and visibility to left side is limited due to existing fences and hedges. The existing fences and hedges are on the applicant's, and it has been agreed that the applicant will remove fence partially and trim hedges to improve the existing visibilities which is shown on the drawing (Ref- 22416-100, Rev-B).

In summary, based on the recent submission, the highway authority considers that construction of five single story dwellings will not generate significant number of vehicular trips which may have unacceptable impacts onto the local highway network. Therefore, the highway authority does not want to raise objection to the proposed development but subject to the above-mentioned conditions and informative.

**Signed**

Shamsul Huda

18 February 2025

## APPENDIX E

Email forwarded to the Planning Officer on 11 December 2024 addressing the concerns of the Council's Ecologist from Arbtech Consulting Ltd, whose initial PEA and BNG reports were submitted with the application

**From:** David Scott <[REDACTED]>  
**Subject:** 24/02652/FP - Old School House Park Lane Old Knebworth SG3 6PR  
**Date:** 11 December 2024 at 12:52:33 GMT  
**To:** [Andrew.Hunter@north-herts.gov.uk](mailto:Andrew.Hunter@north-herts.gov.uk)

Hi Andrew

We have seen comment from the NHDC Ecologist and the project ecologists, Arbtech Consulting Ltd, have provided the attached response to the matters raised.

Kind regards

David  
For and on behalf of Scott Associates LLP  
m:07944878080

Begin forwarded message:

**From:** Harry Brindle <[REDACTED]>  
**Subject:** PEA / BNG for Old School Terrace, Park Lane, Old Knebworth, SG3 6PR  
**Date:** 11 December 2024 at 12:03:58 GMT  
**To:** "[REDACTED]"

Morning David, please see my comments below;

Regarding the BNG not meeting the 10% net gain our client is eager to explore the possibility of meeting the gain by providing offsite units due to the limited space onsite which is relatively common amongst residential developments.

More information regarding offsite units can be found in section 4.3 of the report. In order to reduce upfront costs we propose that these would be subject to contain.

With regard to the trees on site, the issues pointed out are largely covered with the Preliminary Ecological Appraisal (PEA) report prepared by Akash Barua . Within that report is a table consisting of tree species and maturity, most of which were found to not be mature.

Akash also conducted a GLTA on all of the trees on site, where he found very little bat roost potential which is why a precautionary working method approach is taken when felling the trees.

The PEA should be read in conjunction with the BNG report as stated in section 1.1. As part of the BNG assessment I work from the PEA to condition assess the trees (which takes maturity into account) and have also provided them the strategic significance of "ecologically desirable" so from a BNG point of view I would say the trees have been considered high value.

North Herts Council Ecologist

**Consultation Date: Mon 09 Dec 2024**

Consultee comments: Objection

The proposal would be subject to a mandatory requirement to deliver 10% Biodiversity Net Gain but having read the submitted Biodiversity Net Gain Assessment it is clear that it would result in a

Biodiversity loss of 74% of habitat units and 32% loss of hedgerow units due the extensive loss of trees and hedgerow.

Applications are expected to follow the biodiversity mitigation hierarchy of avoid, mitigate and as a last resort compensate. The BNG Assessment makes recommendations for limited mitigation but these are minor and with such a constrained site are unlikely to be retained or managed in a way to ensure continued ecological benefit. As such biodiversity gains will need to be sought off site which is disappointing. A reduced level of development would allow the retention of more tree cover.

Limited information has been provided in the BNG Assessment and it is not clear which tree species are affected but as the site lies in a conservation area they would all be covered by a TPO and most appear to be mature specimens which would have significant ecological interest associated with them,

particularly the possibility of bats which has not been assessed.

Given the blanket removal of trees from the site barring tree 4, which appears to be an apple tree, more information is required to allow an informed decision in relation to the potential impact to protected species interest in the site.

My thanks,  
Harry

Arbtech Consulting Ltd

w: [arbtech.co.uk](http://arbtech.co.uk)