

CDS PLANNING

PLANNING & DEVELOPMENT CONSULTANTS

PLANNING, DESIGN AND ACCESS STATEMENT

66 Park Lane, Knebworth, Hertfordshire, SG3 6PW

Section 73 Application: Variation of Conditions 1 and 14 of application reference 25/01658/RM - Reserved matters (appearance, landscaping, layout, scale and internal access) for the erection of 9 dwellings with associated landscaping, parking and amenity space pursuant of outline permission 23/02946/OP

August 2026

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1. Introduction

- 1.0. This statement has been prepared to support a Section 73 application to vary Conditions 1 and 14 of application reference 25/01658/RM - Reserved matters (appearance, landscaping, layout, scale and internal access) for the erection of 9 dwellings with associated landscaping, parking and amenity space pursuant of outline permission 23/02946/OP at 66 Park Lane, Knebworth, SG3 6PW.
- 1.1. Planning permission 25/01658/RM was granted by the Council on 28th November 2025.
- 1.2. The application was submitted as a reserved matters application following on from the granting in outline planning permission for 9 dwellings on the site under reference 23/02946/OP.
- 1.3. Principally, this application proposes changes to the approved house types and would see the alternative of house type design with plots 4 and 5 having been handed to improve access to the private garages. In addition, it is proposed to include two additional visitor spaces in addition to a dedicated pedestrian footway to improve connectivity to the surrounding footpath network as well as to limit the risks of parking overspill which would otherwise negatively impact upon the shared surface operation.

2. Legislation Overview

2.0. Section 73 of the Town and Country Planning Act 1990 (S73) enables a material amendment to be made to a planning permission by varying or removing conditions associated with a planning permission. Further guidance is contained in the Planning Practice Guidance (PPG) at Paragraph 013 (Reference ID: 17a-013-20230726) which states that:

2.1. *“An application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission. Provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider whether the scale or nature of the change warrants consultation, in which case the authority can choose how to inform interested parties.”*

2.2. As outlined above, this application is submitted to seek a variation to conditions 1 and 14, to substitute the approved plans

2.3. Condition 1 currently states the following:

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.

2.4. Condition 14 currently states the following:

Prior to first occupation of the dwellings hereby permitted, the ecological enhancements detailed within the Ecological Enhancement Plan reference WCL/EEP/GW/7225, and prepared by Wildlife Consultants Limited, dated 7th February 2025, shall be implemented on site.

Reason: In the interest of enhancing biodiversity, to comply with Policy NE4 of the Local Plan 2011-2031.

- 2.5. Of the plans listed in Condition 1, this application seeks to replace these with the following amended drawings:

No changes are proposed to the site location plan

- BA221_300_11 Proposed Site Layout and Roof Plan
- BA221_310_03 Proposed Plots 6, 7 and 8 Floor Plans and Elevations
- BA221_311_03 Proposed Plot 2 Floor Plans and Elevations
- BA221_312_03 Proposed Plots 3 and 9 Floor Plans and Elevations
- BA221_313_03 Proposed Plots 4 and 5 Floor Plans and Elevations
- BA221_3154_03 Proposed Plots 1 Floor Plans and Elevations

- 2.6. It is considered necessary to amend condition 14 only because of the reference to the specific drawing number within the Ecology Mitigation Strategy. The principles established within the strategy are not changing, however the drawing number and details on the drawing are updated to represent the now submitted plans.

- 2.7. Overall, the changes do not alter or affect the description of the development.

- 2.8. By its nature, this S73 Planning Application needs to only assess the alterations in so far that they alter from the approved scheme, matters such as principle and access are not to be reopened for consideration. In the event that the Council find this scheme acceptable, there will be 2 planning permissions for this site; this S73 Application would create a new separate planning consent which is implementable.

3. Planning Policy

3.0. The following policies in the North Hertfordshire District Local Plan (2011-2031) were considered and evaluated in the determination of the parent reserved matters planning application.

- SP1: Sustainable Development in North Hertfordshire
- SP9: Design and Sustainability
- HS3: Housing mix Policy
- D1: Sustainable Design Policy
- D3: Protecting living conditions Policy
- D4: Air quality Policy NE2: Landscape Policy
- NE4: Biodiversity and geological sites Policy
- HE1: Designated Heritage Assets Policy
- HE4: Archaeology

Vehicle Parking at New Development SPD

Knebworth Neighbourhood Plan

- KBBE1 Housing Mix
- KBBE2 Sustainable Buildings
- KBBE4 Design KBEF1 Biodiversity

3.1. Since the determination of the previous planning application, there have been no material changes to either local or national planning policies and nor have there been any material changes to the site circumstances.

4. Planning Assessment

Principle and Location of Development

- 4.0. There is no material changes proposed to the location and siting of the proposed development as approved under the previous application.
- 4.1. Within the Case Officer Report for the reserved matters application, it was clearly expressed that the “Members resolved to grant Outline Planning Permission (reference 23/02946/OP) subject to conditions and S106 obligations on 26 September 2024. Planning permission was issued following acceptance of a S106 Unilateral Undertaking in June 2025.” The report went onto confirm that the reserved matters application “does not address the principle of the development, which was accepted by the grant of planning permission, but addresses the details submitted that were reserved for approval”.
- 4.2. The principle of development falls outside of this Section 73 application and does not need to be re-examined.

Appearance, Layout and Scale

- 4.3. The amended scheme would occupy a comparable footprint to the approved scheme and would have a similar design vernacular; however, the proposal is considered to represent an improvement on design quality and Troy Homes would be looking to incorporate their signature high-quality materials and detailed design to the units. The units have been rationalised internally to both promote efficiency of internal space while at the same time as complying with NDSS but also make the dwellings more attractive to the private market.
- 4.4. Following the granting of the Reserved Matters permission there has been no change to Local Planning Policy. Policy D1 expects development respond positively to the site’s local context in addition to other criteria. Policy HS3(b) also requires schemes to provide a density, scale and development character appropriate to its location and surroundings.

- 4.5. The proposed scheme would increase the variation within the development from the approved 3 house types increasing to 5 as part of this application, improving design aesthetics and visual interest when the development is seen as a whole.
- 4.6. Detailed design continues to respect the theme set by the reserved matters approval namely gables end, contrasting facing brick, plain tiles and detailed contrasting elements.
- 4.7. The dwellings would continue be served by an access that remains unaltered by this current submission and therefore falls out of the scope of this assessment.
- 4.8. Just as was the case previously, plots 1, 4 and 5 would have an 'L Shape' footprint, albeit plots 4 and 5 have now been handed so as to improve accessibility to garages – their design continues to reflect their location to corners of the site.
- 4.9. Each dwellings double driveway and either a single or double garage remains unchanged. The dwellings would continue to be set in generous plots, with a front and rear garden spaces. The roadway would be bound by a footpath.
- 4.10. The layout is considered build upon the previous permission and would continue to ensure that the development would not result in an overly cramped or dense form of development within its edge of village context. The provision of a dedicated pedestrian footway will improve connectivity to the surrounding footpath network.
- 4.11. The unit sizes remain materially unchanged; however, the internal space has been better designed in terms of efficiency. Proposed are a mix of 3- 4- and 5-bedroom properties, with plot 6, 7 and 8's being 3 bedroom (33% of total). The inclusion of 3- bedroom properties was considered a benefit in the reserved matters application, this benefit therefore continues.

4.12. Just as was secured at reserved matters dwellings would benefit from PV panels as it is recognised that the Council welcomed microgeneration and sustainability features.

4.13. Given the quantum of development proposed within the site in the context of local allocations for sites it is considered that the proposed housing mix and scale of these dwellings would be acceptable given the local context and housing demand locally.

Impact on Neighbouring Residents

4.14. The assessment of the original scheme concluded that the proposed development would not result in any harmful impacts upon neighbours.

4.15. Given that the scheme presents no material changes to neighbour relationships, this scheme does not introduce any new impacts that might otherwise change the original acceptability of neighbour impacts.

Amenity for Future Occupiers

4.16. In terms of amenity for future occupiers of the development. Consideration is given to the quality of accommodation proposed including the size of the dwellings and their levels of outlook, light, and privacy, as well as external amenity space, being close to an active train station, noise was considered an important consideration.

4.17. The proposed dwellings continue to meet all the nationally described space standards. Each of the proposed units would comply with or exceed the minimum floor space requirements and each unit would also have access significant open space in the form of private gardens.

4.18. The units would provide a good standard of internal and external amenity space for future occupiers.

Parking Provision and Highway Safety

4.19. The highway access arrangements would remain as approved under the original application.

4.20. In terms of parking, the amended development seeks to retain and re-provide previously approved parking, with 2 additional visitor spaces now provided so as to ensure the shared surface may function fully without any risk of cars parking within it. The visitor parking is in a safe and convenient location for all properties being located centrally within the scheme. A dedicated pedestrian footway to improve connectivity to the surrounding footpath network is also proposed.

Trees, Landscape and Ecology

4.21. The Applicant does not propose to change the situation for this application compared to the previously agreed proposal. All trees to be retained as approved under the reserved matters are to be retained as part of this proposal. The woodland landscape setting is considered a positive for this scheme, and there is to be no weakening of this position.

5. Conclusion

- 5.0. This Section 73 application seeks to amend the approved plans at Condition 1 and Condition 14 of application 25/01658/RM, which lists the previously approved plans and ecology mitigation arrangements.
- 5.1. Overall, the changes proposed are considered to represent minor material amendments to 25/01658/RM. The changes are considered to improve on the original design and will now provide a dedicated pedestrian footway to improve connectivity to the surrounding footpath network. The provision of two additional visitor parking spaces which will help to ensure that the shared surfaces function as intended and do not become areas for overspill car parking.