

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/02518/S73	Variation of condition 2 (revised plans) of planning permission 21/03362/FP granted 22.04.2022 for Erection of main members entrance, foyer and disabled access; outdoor swimming pool with associated sun-terraces; reconfigured and extended tennis courts, fencing and floodlighting; heat experience extension to existing building and outdoor training experience area.	Odyssey Health Club Old Knebworth Lane Knebworth Hertfordshire SG2 8DU

Submitted Plan Nos

Site Location Plan PL008_A PL009_A PL010_A PL017 PL018

1.0 Policies

D1 Sustainable design

D3	Protecting living conditions
SECN12	Achieving well-designed places
SECN13	Protecting Green Belt Land

Knebworth Neighbourhood Plan

The Knebworth Neighbourhood Plan Area was designated by North Hertfordshire District Council on 14th June 2016. The NP Area includes the application site.

2.0

Site History

- 2.1 19/01244/FP - Full redevelopment of the application site (excluding the main health club building and outdoor tennis courts) to provide 86 no. dwellings, associated infrastructure, open space and a new vehicle access to the site from the B197 CP subject to S106 agreement
- 2.2 21/03362/FP - Erection of main members entrance, foyer and disabled access; outdoor swimming pool with associated sun-terraces; reconfigured and extended tennis courts, fencing and floodlighting; heat experience extension to existing building and outdoor training experience area. Granted 22/04/2022. Work has commenced on the development

3.0

Representations

- 3.1 **Knebworth Parish Council:** No comments have been received.
- 3.2 **Network Rail:** Advises no objection to the variation of permission.
- 3.3 **Sport England:** Advises that Sport England has no comments to make
- 3.4 **Site Notice / Neighbour consultation:**
No comments have been received from Members of the public regarding this planning application.
- 3.5 **NHDC Waste Services:** Queries the lack of waste collection service provision.
- 3.6 **Herts County Council (Highways):** 'Not highway related therefore no highway comments'.
- 3.7 **NHDC Environmental Health:** 'No objections'

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site consists of part of Odyssey Health Club located to the west of the B197, south of the Hertford Loop railway and east of the East Coast Main Line railway. The site is just south of Stevenage and south east of the GSK pharmaceutical site. The application site comprises the existing operational Health Club building and grounds, outdoor tennis courts and some presently undeveloped grass land to the south of the existing tennis courts. The whole of the application site is within the Green Belt.

4.2 Proposal

- 4.2.1 Variation of condition 2 (revised plans) of planning permission 21/03362/FP granted 22.04.2022 for Erection of main members entrance, foyer and disabled access; outdoor swimming pool with associated sun-terraces; reconfigured and extended tennis courts, fencing and floodlighting; heat experience extension to existing building and outdoor training experience area.

The applicants agent advises in the covering letter submitted with this application that this revised scheme relates solely to the proposed new entrance design.

The design changes include:

- ☐ Reduction in width to keep the building line tight to the existing kerb.
- ☐ The loss of footprint due to this reduction has been included to the side of the entrance structure
- ☐ A wider more defined revolving door / glazing to ensure a clear access for club members and visitors
- ☐ Extended more visible canopy and branding

4.3 Key Issues

- 4.3.1 The key issues are Green Belt, design and appearance, residential amenity, highway and sports matters.

The principle of development including Green Belt

- 4.3.2 The principle of this development has been established by the previous grant of planning permission under ref: 21/03362/FP.
- 4.3.3 This proposal has no further impact on the openness of the Green Belt than the consented scheme.

- 4.3.4 In any event the proposals are required in connection with outdoor sport and recreation which is an acceptable and not inappropriate use within the Green Belt.

Design, layout and appearance

- 4.3.5 The new entrance foyer as revised will still be single storey a similar floor area as approved (approximately 107 sqm in area). The entrance foyer will however be set back from the pavement frontage and the lost floor space added to the side elevation. A revised canopy design will provide a more articulate and striking entrance feature. . Materials include a wooden cladding system to external walls and powder coated aluminium entrance glazing. These will complement the existing green powder coated metal panels of the existing main building.

Residential amenity

- 4.3.6 The proposal will have no further impact on the adjacent flatted development that is now nearing completion. The compatibility of the two uses was considered during the processing of the application for residential development. As the health and fitness use is existing, any new impacts are limited to the additional and new works.

The new entrance area is sufficiently distant from the residential scheme not to create any obvious residential amenity impacts.

Highways and parking

- 4.3.7 There are no highway implications arising from this revised proposal. The Highway Authority has raised no objections.
- 4.3.8 New covered cycle parking facilities are proposed adjacent to the new entrance. These are not affected by the revised design.

Sports and leisure detailed matters

- 4.3.9 There are no changes to the sports related elements approved under the previous permission. Sport England raise no objections.

Railway Safety

- 4.3.10 There are no further impacts on railway safety. All previous conditions and informatives are re attached. Network Rail raise no comments.

Other material considerations

- 4.3.11 All previous conditions are re-attached . The applicant has not submitted any of the conditions attached to the previous permission for discharge or agreement by the LPA.

As regards waste service provision there are no changes to the waste collection provision to which the Waste Manager had no previous objection.

- 4.3.12 As a variation of an extant permission this application is exempt from the need to demonstrate a 10% biodiversity net gain

- 4.3.13 There are no significant climate change implications arising out of this proposal.

4.4 Conclusion

The revised proposals are acceptable in planning terms.

4.5 **Alternative Options**

4.5.1 None applicable

5.0 **Recommendation**

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

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

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

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

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

3. No development of the tennis courts shall commence until details of the tennis court design specifications including the dimensions, surfacing, fencing and line markings have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The tennis courts shall not be constructed other than in accordance with the approved details.

Reason: To ensure that the development is fit for purpose and sustainable

4. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the safety, operational needs and integrity of the railway.

5. For the first twelve months following the installation and operation of the new lighting an assessment will be made by Network Rail to check the effect of the lighting on the nearby railway line. If it is found that there is a problem with driver visibility, the developer will undertake mitigation measures such as additional screening/cowling or light adjustment as appropriate to alleviate the problem, to the satisfaction of the local planning authority in association with Network Rail and the Train Operating Companies.

Reason: to ensure the safety, operational needs and integrity of the railway.

6. The following limits shall not be exceeded by the new lighting columns hereby permitted:
- Sky Glow ULR (Max%) 5.0
 - Max light into windows Ev (lux)
 - 07.00- 23.00hrs 10
 - 23.00- 07.00hrs 2
 - Source Intensity I(kcd)
 - 07.00- 23.00hrs 10
 - 23.00- 07.00hs 1
 - Building Luminance 07.00- 23.00hrs
 - Average, L (cd/m²) 10

Reason: To protect the amenities of future adjacent residential properties.

7. No development shall take place until an ecological design strategy (EDS) addressing the implementation of the recommendations in the submitted ecological report (Greengage Environmental Limited, April 2019) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following -
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance.
 - i) Details for monitoring and remedial measures.
 - j) Nesting bird mitigation strategy
 - k) Details of a bat sensitive lighting scheme
 - l) Native species and habitats landscaping scheme with establishment and management protocols
 - m) Integrated bat and bird box strategy to include model and location of boxes. All buildings bordering open space will require a box.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.'

Reason: To conserve and enhance biodiversity in accordance with NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended)

8. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

9. Prior to the commencement of the development hereby permitted full details of hard and soft landscaping associated with the development together with all fixed outdoor gym equipment shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the following :
- 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
- All associated hard landscaping shall be laid out in accordance with the approved details or particulars prior to the first occupation of the development hereby permitted and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and to ensure the correct phasing of development

10. The approved details of soft 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

11. Before the new development elements hereby approved are first brought into use, full details of the proposed cycle storage shelter shall be submitted to and approved in writing by the Local Planning Authority. The shelter shall thereafter be erected in accordance with the approved details.

Reason: To ensure that adequate cycle storage facilities are made available to members in the interests of sustainable transport and to ensure a satisfactory appearance for the development.

12. (a) No development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
 - (ii) The results from the application of an appropriate risk assessment methodology

(b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method

Statement report;

if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.

(c) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(d) Any contamination, other than that reported by virtue of condition (a), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

Proactive Statement:

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

Informative/s:

Informative/s:

1. Network Rail Standard Informatives

Please note, not all of these requirements may be applicable to this development

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept

any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway lookout protection, supervision and other facilities necessary when working from or on railway land.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or

Access to the Railway

2. The applicant is advised that the design and layout of the games court should comply

3. Useful Network Rail contacts:

Asset Protection Eastern

Land Information

Property Services

4. Sport England have been unable to confirm that the proposed lighting scheme will satisfy recommended standards for tennis court usage. You may wish to contact Sport England to clarify these details as part of the overall tennis court design as required by condition 4 of the planning permission.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 21 January 2025	