

**Knebworth Neighbourhood Plan Examination**

**Policy KBLE1**

1. Please can you point me to information in respect of the location and/or nature of “*other existing commercial locations*” in the Neighbourhood Area.

Answer:

Policy KBLE1 relates, in the main i.e. the first three paragraphs, to Knebworth Village and could more clearly state that in accordance with the supporting text. Only the last paragraph applies to the Neighbourhood Plan Area as a whole.

The retail outlet in Stockens Green is shown on the Policies Map (central/south part of the village) as Retail Area. We didn't include The Station Public House as that is community owned. We have created confusion by referring to the art shop (Art Van Go) but not showing it as Retail Area.

The last paragraph of Policy KBLE1, referring to the Lytton Arms and the radio station premises in Old Knebworth highlights existing commercial locations outside the village boundary.

2. I am mindful that the Retail Area is very small and the Policy thus appears to provide limited/restrictive support for business-related development, contrary to the aims of the Plan set out in the supporting text. Is the Policy intended to restrict new business development to those places where business development already takes place only and if so, please can you point me to evidence that such an approach meets the basic conditions?

Answer:

The policy is not intended to restrict business development to the Retail Area or the village. Policies KBLE2, KBLE3 and KBLE4 deal with other locations and types of business development.

3. The Policy would rule out any development that had any (including the slightest) adverse impact on residential amenity, regardless of any benefits brought about by development. Is this the intention of the Policy?

Answer:

Policy KBLE1 refers to “*local amenities*” this does not mean ‘residential amenity’. To clarify this, a reference should have been made to Policy KBW1 Community Facilities and Services and KBW4 Valued Community Facilities in KBLE1 and/or its supporting text. Please would you consider making this amendment.

4. Is there any information you can point me to in respect of existing baselines for what “*traffic conditions*” currently comprise - ie, how will adverse impacts be measured, who by and on what basis?

## Knebworth Neighbourhood Plan – Independent Examination

Answer:

There are three important pieces of information that can be used as a baseline as follows:

1. Parking Survey, Project Centre for NHDC 2013
2. Speed and volume surveys on Pondcroft Road and Swangleys Lane, HCC, 2019
3. Morning and evening peak hour traffic flow counts on High Street, Stirling Maynard, for Outline Planning application 21/02586/OP (on site KB4), June 2019 available:  
[https://documentportal.north-herts.gov.uk/GetDocList/Default.aspx?doc\\_class\\_code=DC&case\\_number=21/02586/OP](https://documentportal.north-herts.gov.uk/GetDocList/Default.aspx?doc_class_code=DC&case_number=21/02586/OP)

All traffic baseline data is available on Knebworth Parish Council's Website here:

<https://www.knebworthparishcouncil.gov.uk/knp-documentation.html>

The effect on the capacity of the junctions and the 'high street' can be calculated using traffic programmes e.g. ARCADY (roundabouts) and PICADY (priority junctions). KBT2 requires such information to be provided by developers.

Policy KBT4 requires that developer contributions are sought to fund a formal study to propose optimal solutions for the 'high street'.

Within the Retail Area, adverse traffic impacts would include a negative impact on pedestrian safety and the interruption of traffic flows plus the potential increase in parted commercial vehicles.

Policy KBT2 Traffic Impact refers to traffic congestion in the village and motor vehicle flows on rural lanes. On Swangleys Lane and Deards End Lane decisions will continue to be subjective as the lanes lack footpaths and are of variable carriageway width with poor sight lines.

It will be up to the developer to specify that they can meet the requirement of the first paragraph of Policy KBT2, based on existing traffic using a site and the increase in traffic of the proposed new use.

The Further Main Modifications for the emerging Local Plan for sites KB1, KB2 and KB4 require "Transport Assessment to consider the cumulative impacts of sites KB1, KB2 and KB4 upon key junctions and rail crossing points for all users, including walkers and cyclists, and secure necessary mitigation or improvement measures;". This can be seen in the Schedule of Further Proposed Modifications dated 20<sup>th</sup> May 2021.

<https://www.north-herts.gov.uk/sites/default/files/Schedule%20of%20Further%20Proposed%20Main%20Modifications%20for%20Consultation%20-%20May%202021.pdf>

In addition, Knebworth Parish Council has confirmed that it would take a judgement on whether any additional traffic would cause an adverse impact on the basis of information available to them at the time, in their response to planning applications.

**Policy KBLE2**

5. The Policy appears as a vague statement rather than a land use planning policy. Is the intention of the Policy to reflect Paragraph 84 of the National Planning Policy Framework (“the Framework”)?

Answer:

Policy KBLE2 reflects para 84 of the NPPF but with provisos relating to design, proportionality, and traffic impact.

**Policy KBLE3**

6. Is the village centre the same as the Retail Area?

Answer:

Yes, it is the same and we agree it is confusing to use two different terms.

7. If so, should the Policy refer to the Retail Area rather than village centre?

Answer:

Yes, it should be titled Retail Area and other Existing Businesses. The addition of ‘other’ would make it clear in the title of the policy what it relates to. Retail Area should also replace village centre in the first and third paragraphs.

8. If not, please can you point me to information in respect of the boundaries of the village centre (noting that the Policy refers to development within and outside the village centre)?

Answer:

See answer to Q7 above.

9. London Road is long. Please can you point me to evidence in respect of the deliverability and viability of a Policy requirement for any development along London Road to fix a building line of no less than 7 metres from the centre of the highway; and is there evidence you can point me to, to demonstrate that no building is currently located less than 7 metres from the centre of the highway?

Answer:

Paragraph two relates only to the length of London Road in the Retail Area as defined on the Policies Map.

Some existing building lines are closer than 7 metres from the centre of the highway. The supporting text to this policy explains the issues of parking, servicing and through traffic. The aim is to work towards National Planning guidelines and take the opportunity to increase the width of the pavement/parking bays, so as not to obstruct the road. Perhaps it would be clearer if that was stated in the policy.

10. Please can you point me to evidence to demonstrate: that the Policy requirements in respect of preventing change of use of land or buildings with an established business use to housing are not contrary to Permitted Development; that the Policy requirements do not conflict with Policy KBLE2, which does not

## Knebworth Neighbourhood Plan – Independent Examination

support the creation of new business space other than on existing commercial sites; and that the Policy is deliverable/viable?

Answer:

The policy only applies where planning permission is required, for example, if the development proposal provides more than 1500m<sup>2</sup> of residential, under current PD rules. PD rights have been very fluid and the policies in this plan would hopefully have a life of several years before a review is necessary.

Policies KBLE1 and KBLE2 support new business space within the Retail Area, at other commercial locations in the village and in the rural area, subject to conditions. The policy is deliverable and viable (in the context of the earlier Answers to questions on Policy KBLE1 and KBLE2).

11. Please can you point me to information in respect of how the loss of business premises will be “resisted”?

Answer:

This is the stated intention of the Parish Council and if a planning application results in the loss of the business premises mentioned in the policy, then the Parish Council will object.

### **Policy KBLE5**

12. Most homeworking does not require planning permission. Where planning permission is required, this is likely to be because the nature of the homeworking raises issues in respect of local character, residential amenity, and highway safety. The Policy supports such development regardless of impact on local character, but it requires there to be no adverse impact, at all, on residential amenity (as opposed for providing for the balanced consideration of development proposals). It is therefore difficult to understand what kind of development the Policy is intended to support. Please can you point me to information or evidence which supports the Policy as set out?

Answer:

Policy KBLE5 should mention local character. The word “character” should be inserted after “local”. There are no policies in the adopted local plan which support home working. It has been difficult to devise policies that reflect what residents want to see in the Neighbourhood Plan whilst working in the vacuum of local planning policy.

### **Policy KBLE6**

13. Is this a Policy for major residential development?

Answer:

Yes, it should state that it is for major development.

### **Policy KBBE2**

14. The requirements of the Policy appear to exceed national and local policy requirements without supporting evidence in respect of viability and deliverability. Is the Qualifying Body happy for the intent of Policy KBBE2 to be reflected in a Policy that promotes and supports sustainable buildings/building techniques or if not, please can you point me to evidence in respect of the viability and deliverability of the approach set out in Policy KBBE2?

Answer:

There was no local policy to support or push the boundaries of sustainable building in a Local Plan which was 14 years old. Advice was received from the Centre for Sustainable Energy on wording for the sorts of policies that should be acceptable in a Neighbourhood Plan that is looking to the future.

<https://www.cse.org.uk/topics/policy>

It is up to the developer to decide whether it is viable to achieve the requirements or the requests to meet voluntary standards set out in this policy.

We cannot provide evidence of viability or deliverability.

### **Policy KBBE3**

15. Similarly, to Policy KBBE2, the Policy has laudable aspirations but there is nothing before me to evidence deliverability or viability. Is the Qualifying Body happy for the intent of Policy KBBE2 to be reflected in a Policy that promotes and supports accessibility and adaptability or if not, please can you point me to evidence in respect of the viability and deliverability of the approach set out in Policy KBBE3?

Answer:

There was no local planning policy on accessibility and adaptability. It is up to the developer to decide whether it is viable to achieve the requirements or the requests to meet voluntary standards set out in this policy.

The government is pushing to improve the standards in new homes. A question was raised in the House of Commons as recently as 29<sup>th</sup> November 2021 asking for the outcome of the consultation on improving accessibility in new homes which was launched in September 2020 and the government promises it will issue something soon.

[https://hansard.parliament.uk/commons/2021-11-29/debates/C3E96B07-C01A-4DAE-BA90-](https://hansard.parliament.uk/commons/2021-11-29/debates/C3E96B07-C01A-4DAE-BA90-9A0790756C8F/AccessibilityStandardsForNewHomesConsultationResponse)

[9A0790756C8F/AccessibilityStandardsForNewHomesConsultationResponse](https://hansard.parliament.uk/commons/2021-11-29/debates/C3E96B07-C01A-4DAE-BA90-9A0790756C8F/AccessibilityStandardsForNewHomesConsultationResponse)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/930274/200813\\_con\\_doc\\_-\\_final\\_1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/930274/200813_con_doc_-_final_1_.pdf)

Policy KBBE3 is not an absolute requirement but raises the expectation that this will soon be set in statute.

### **Policy KBW1**

16. Please can you point me to evidence in respect of the viability and deliverability of the requirements of the Policy; and to information in respect of why the

## Knebworth Neighbourhood Plan – Independent Examination

requirements of the Policy are relevant to all commercial or residential development. Are the requirements of the Policy also intended to apply to the emerging Local Plan allocations?

Answer:

Policy KBW1 applies to all major development. Commercial development is mentioned to ensure that existing community facilities and services are not lost through a commercial development of an existing community facility.

It is up to the developer to decide whether it is viable to achieve the requirements and prove that they cannot meet the criteria.

The requirements of the Policy do apply the emerging Local Plan allocations and this policy should be a consideration in the Masterplanning of the allocations sites.

### **Policy KBW3**

17. “*Development*” is very wide-ranging. Is the Policy intended to apply to all development and if so, please can you point me to information that justifies the Policy requirements? If not, please can you point me to information in respect of what “*development*” the Policy is meant to apply to?

Answer:

Policy KBW3 should relate to major development, and this should be stated in the policy wording.

### **Policy KBEF3**

18. Please can you point me to information in respect of what best practice comprises, who will judge proposals against this and on what basis; and why the Policy requirements are relevant to all forms of development?

Answer:

The policy as written is relevant to all development proposals for new buildings.

It is up to the planning officer considering the planning application to judge whether a proposal can achieve net zero based on the documents submitted with the application.

Examples of best practice:

Green building benefits developers and occupiers

- <https://www.worldgbc.org/news-media/business-case-green-building-review-costs-and-benefits-developers-investors-and-occupants>

Embodied energy, daylighting and other techniques (although published outside the UK, the comments and suggestions are still relevant).

- <https://www.yourhome.gov.au/materials/embodied-energy>
- <https://www.wbdg.org/resources/high-performance-hvac>
- <https://www.wbdg.org/resources/daylighting>
- <https://www.wbdg.org/resources/windows-and-glazing>

- [https://www.designingbuildings.co.uk/wiki/Lean\\_construction](https://www.designingbuildings.co.uk/wiki/Lean_construction)
- <https://www.gov.uk/government/publications/net-zero-strategy>

19. Please can you also point me to the justification for exceeding national and local policy requirements and to information demonstrating the deliverability of the Policy.

Answer:

There are currently no local policy requirements on carbon neutrality because of the age of the adopted Local Plan.

Policy KBEF3 was an attempt to look forward in the hope that the Government would have published its strategy on carbon neutrality by the time the Neighbourhood Plan was examined. The Government published their Net Zero Strategy in October 2021.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1033990/net-zero-strategy-beis.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033990/net-zero-strategy-beis.pdf)

However, it is not yet national policy. The wording of the policy is ambitious and could be tempered to ensure that it isn't exceeding current national policy.

Knebworth is a good example of a garden village, and the aspiration of the Neighbourhood Plan Steering Group was to continue its trailblazing reputation.

### **Policy KBEF6**

20. Notwithstanding that the Neighbourhood Plan cannot “*permit*” development, please can you point me to information to demonstrate that the first paragraph of the Policy has regard to national policy? As set out, it appears to misinterpret the requirements of Para 203 of the Framework.

Answer:

The wording of the submission version of Policy KBEF6 does not comply with national policy. An error has crept in here, unintentionally. The Reg 14 policy said that “Development proposals which affect these and other non-designated heritage assets, will be permitted provided they preserve or enhance the significance of the asset and its setting.” This wording was correct. Similar wording has been accepted in a recently adopted Neighbourhood Plan e.g.

<https://www.eastherts.gov.uk/planning-building/planning-policy/neighbourhood-planning-activity-east-herts/hertford-bengeo-ward> Policy HBC4.

Other adopted policies for Non-designated Heritage Assets read e.g. “.... scheduling, will take account of the significance of the heritage assets to enable a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset.” e.g. <https://www.eastherts.gov.uk/planning-building/planning-policy/neighbourhood-planning-activity-east-herts/thundridge> Policy THE3. Both are correct but our Policy KBEF6 has ended up being a confusing mix of the two.

No one has picked this up and we are grateful that you have. We hope you will agree to amend the wording so that it does reflect para 203 of the NPPF.

**Policy KBT1**

21. Please can you point me to information in respect of which “*developers*” and what “*development proposals*” this Policy is meant to apply to?

Answer:

The policy is aimed at major developments. However, smaller development should still consider how they can contribute in terms of e.g. cycle parking, and electric car charging points which should apply to all developments. Addressing the needs of people with disabilities and reduced mobility for all modes of transport also applies to smaller developments (commercial and residential and other such as community facilities).

**Policy KBT2**

22. Please can you point me to information in respect of why the last two sentences of the Policy comprise relevant land use planning policy requirements that the Neighbourhood Plan can appropriately control?

Answer:

Hertfordshire Highways feel it is particularly important to outline highway improvements necessary and/or desirable in Neighbourhood Plan policies. The last two sentences could refer to KBI1 Spending Priorities. They will only be secured through planning conditions/obligations so need to be laid out in policy terms. These policies will be actioned by North Herts planning officers when making planning decisions and we feel they are land use planning and directly linked to the major developments to which they are referenced.

**Policy KBT4**

23. How will the Policy seek developer contributions – who will do this and on what basis?

Answer:

As with the previous question, re Policy KBT2, the policy will be used by planning officers/the highway authority when considering planning applications, to ensure that contributions are sought from major developments, toward improving the traffic issues that at times disable the road network in Knebworth.

**Policy KBT5**

24. Please can you point me to information in respect of which “*developments*” the Policy applies to?

Answer:

This policy relates only to the site allocations KB1 and KB2.