

NORTH HERTFORDSHIRE DISTRICT COUNCIL



2 December 2022

Our Ref Planning Control Committee/15 December 2022
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To: Members of the Committee: Val Bryant (Chair), Tom Tyson (Vice-Chair), Alistair Willoughby, Daniel Allen, David Levett, Ian Moody, Morgan Derbyshire, Sean Nolan, Simon Bloxham, Terry Tyler, Tony Hunter and Phil Weeder

Substitutes: Councillors Adam Compton, Amy Allen, Carol Stanier, George Davies, Michael Muir, Nigel Mason and Steve Jarvis

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY**

On

THURSDAY, 15TH DECEMBER, 2022 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda

Part I

| Item | | Page |
|--|--|-------------------|
| 1. APOLOGIES FOR ABSENCE | Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting. | |
| 2. MINUTES - 17 NOVEMBER 2022 | To take as read and approve as a true record the minutes of the meeting of the Committee held on the 17 November 2022. | (Pages 5 - 26) |
| 3. NOTIFICATION OF OTHER BUSINESS | Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered. | |
| 4. CHAIR'S ANNOUNCEMENTS | Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote. | |
| 5. PUBLIC PARTICIPATION | To receive petitions, comments and questions from the public. | |

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|-----|---|-------------------------|
| 6. | 19/01448/FP FORMER WYEVALE CODICOTE GARDEN CENTRE, HIGH STREET, CODICOTE, HITCHIN, HERTFORDSHIRE, SG4 8XA REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages 27 - 92) |
| | Residential development of 66 dwellings and associated new local open space, access and associated works (as amended by plans and documents received 23rd December 2021, 25th January 2022, 8th & 15th July 2022, 18th August, 26th September and 3rd & 10th November 2022). | |
| 7. | 22/02450/S73 ODYSSEY HEALTH CLUB , OLD KNEBWORTH LANE, KNEBWORTH, HERTFORDSHIRE, SG2 8DU REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages 93 - 108) |
| | Variation of condition 2 (revised plans) and condition 17 (access arrangements) of planning permission 19/01244/FP granted 04/11/2020 for Redevelopment of the site to provide 86 dwellings (12 x 2 bedroom houses, 12 x 3 bedroom houses, 18 x 4 bedroom houses, 25 x one bedroom apartments, and 19 x 2 bedroom apartments), associated landscaping, car-parking, the provision of a large new public open space and the creation of a new vehicular access off the B197 Stevenage Road following demolition of the former indoor bowling building and several ancillary buildings. Rearrangement of the existing car parking provision for existing Odyssey Health and Racquet Club to provide 141 car parking spaces and alterations to existing vehicular access to Odyssey Health Club from Old Knebworth Lane. | |
| 8. | 17/01955/1 ICKLEFORD MILL, ARLESEY ROAD, ICKLEFORD REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages 109 - 152) |
| | Outline Planning application for up to 71 dwellings and associated access, car parking, garages, landscaping and open space including demolition and removal of all existing structures, buildings and hardstanding (all matters reserved except means of access). - Planning update note available to view | |
| 9. | 22/01229/FP LAND ADJACENT TO RED BRICK COTTAGE, THE STREET, KELSHALL, ROYSTON, HERTFORDSHIRE, SG8 9SQ REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages 153 - 172) |
| | Erection of one detached 4-bed dwelling including new vehicular access, garage, parking and landscaping (as amended by plans received 9th August 2022). | |
| 10. | TPO/00203 (2022) CHURCH OF ST PETER, PIRTON ROAD,HOLWELL, HITCHIN, HERTFORDSHIRE,SG5 3SR REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER | (Pages 173 - 178) |

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY

ON THURSDAY, 17TH NOVEMBER, 2022 AT 7.30 PM

MINUTES

Present: *Councillors: Tom Tyson (Chair), Alistair Willoughby, Daniel Allen, David Levett, Sean Nolan, Simon Bloxham, Terry Tyler, Nigel Mason, Michael Muir Tony Hunter and Phil Weeder*

In Attendance: *Nurainatta Katevu (Legal Regulatory Team Manager and Deputy Monitoring Officer), Abigail Hamilton (Committee, Member and Scrutiny Officer), James Lovegrove (Committee, Member and Scrutiny Manager), Tom Allington (Principal Planning Officer – Strategic Sites), Shaun Greaves (Senior Planning Officer), Thomas Howe (Planning Officer) and Andrew Hunter (Senior Planning Officer)*

Also Present: *At the commencement of the meeting approximately 34 members of the public, including registered speakers.*

21 APOLOGIES FOR ABSENCE

Audio recording – 0:52

Apologies for absence were received by Councillors Val Bryant, Morgan Derbyshire and Ian Moody.

Having given due notice Councillor Nigel Mason will be substituting for Councillor Val Bryant and Councillor Michael Muir will be substituting for Councillor Morgan Derbyshire.

22 MINUTES - 13 OCTOBER 2022

Audio recording – 1:21

It was noted by Councillor Michael Muir and Councillor Nigel Mason that they were present at the previous meeting but their names were not on the list of Councillors present.

Councillor Tom Tyson, as Chair, proposed and Councillor Daniel Allen seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 13 October 2022 be approved as a true record of the proceedings and be signed by the Chair with the amendment that Councillor Michael Muir, Councillor Nigel Mason and Councillor Amy Allen are to be added to the list of Councillors present at the last meeting.

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23 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3:00

There was no other business notified.

24 CHAIR'S ANNOUNCEMENTS

Audio recording – 3:02

- (1) The Chair welcomed those present at the meeting
- (2) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest need to be declared immediately prior to the item in question.
- (4) The Chair gave advice to the registered speakers on the speaking procedure and time limits
- (5) The Chair advised that there would be a comfort break if required

25 PUBLIC PARTICIPATION

Audio recording – 4:53

The Chair confirmed that the registered speakers were in attendance:

- Parish Councillor Paul Harding
- Caroline McDonnell
- Hugh Chatfield
- Derek Carter
- Councillor Richard Thake
- Phil Roden
- Tim Lee
- Parish Councillor Neil Burns
- Nicky Tribble
- Peter Calver
- Councillor Lisa Nash

26 21/03380/FP Land To The North And East Of Great Wymondley, Hertfordshire

Audio recording – 5:33

Shaun Greaves presented the report and gave a verbal presentation, which included:

- At 4.1.6 reference made to conduit heat at priory farm should read conduit head
- At 4.6.24 reference made to appellant and this should read applicant
- At 4.6.27 the year 2030 should read 2040
- The North Hertfordshire Local Plan 2011-2031 was adopted by full Council on the 8th November. This report was written before the adoption and therefore there are references to the superseded Local Plan. There are references to this at paragraph 2.6, 4.5.4 and 4.5.42 of the report. References are made to policies of the Emerging Local Plan in the report and significant weight is given to these in the report. As the Local Plan is now adopted, these policies are now attributed full weight. The planning balance is not materially affected and the officer recommendation is unchanged. The previous policies referred to in the report are now replaced by policies of the new Local Plan.

- The site is located within the green belt and references made to policy 2 of the superseded Local Plan is replaced by policy SP5 of the new Local Plan that refers to green belt. Therefore, where stated at paragraph 4.5.43 that the starting point for consideration of this application is policy 2, this is now policy SP5 of the new Local Plan
 - Councillor Levett has pointed out a page is missing from the glint and glare assessment on the Councils website. This is in a section addressing aviation considerations. The full document was available within our internal system. The document including the missing page is now available on the Councils website.
 - The submitted glint and glare assessment by Pager Power undertakes a high-level assessment. The nearest main airport is Luton Airport and is 11km to the south west of the application site. It is best practice to consider reflections towards pilots in the last two miles of final approach to the airport and the application site is well beyond that. In regards to air traffic control, close proximity to the aerodromes is a consideration. Given the distance involved, officers do not consider that this proposal would have significant impacts on aviation.
 - The glint and glare effects on highway users have been carefully considered by the highway authority who have raised no objections to the proposal.
 - With regards to drainage, we have received a late response from the lead local flood authority and the response and note has been circulated to Members. The LLFA are not raising an in principle objection to the proposal and whilst they have concerns relating to the proposed drainage strategy, these relate to matters that can be addressed and controlled by conditions. Therefore two additional conditions are proposed by the LLFA to replace condition 7 set out in the agenda
 - The officer recommendation remains that permission is resolved to be granted subject to referral to the Secretary of State for Levelling Up Housing and Communities and conditions set out in the agenda as amended by the note that has been circulated.
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- The location of the site is located to the east and north east of Great Wymondly, to both sides of Gravely Lane which runs down the middle. To the east is the A1 motorway with the village of Gravely beyond.
 - The Hertfordshire way runs along the east and northern boundaries of the northern part of the site.
 - The application site extends to 88 hectares including the route of the cable which extends from the solar farm to Wymondly substation which runs along Gravely Lane and Priory Road.
 - The area the solar panels are proposed to be positions extends to about 85 hectares
 - The panels are to be placed on a frame and post which are placed into the ground
 - There are some areas that have been identified as locations of potential archaeological interest and solar panels on these areas will be placed on rafts so there will be no impact to the ground
 - There are internal roads and tracks within the site and there are inverter and transformer stations and battery storage containers
 - Deer stock fencing will be around the site.
 - There will be hedgerow planting, tree planting and low maintenance pasture around the fencing
 - The areas around the solar panels are to be grazed by sheep and beyond the fencing there will be species rich grassland. The details required would be controlled by suggested conditions
 - There will be attenuation bonds and detention basins to serve the proposed development in terms of drainage.
 - There will be 22 transformer inverters and 22 battery storage containers that will be located alongside the internal tracks

- There will be 12m between the hedgerow and the stock fencing
- A cable trench will go along the road. Excavation will be done on a daily basis so there won't be large spoil areas in line with the Environment Agency concerns
- Accessors will be designed to accommodate larger vehicles but these will not be needed after construction has finished
- This is an application for a solar farm in the countryside and on the greenbelt
- The applicant has a professional representation
- If you grant permission, it must be referred to the Secretary of State as it is on the green belt
- The proposal is an inappropriate development on the greenbelt
- In terms of visual impact and landscape, this has been detailed in the report. The harm is localised, but in terms of the site and are it is significant harm
- The site is good quality agricultural land, however livestock grazing would still continue on the site
- The application is only for 40 years and the land will return to complete agricultural land after this time
- The proposal will provide a g=significant amount of renewable energy. The solar farm will provide energy for around 12,000 homes
- The Council has declared a climate emergency. The other solar farms in the area are relatively small
- There will be economic benefits
- On balance, officers consider that there are very special circumstances that outweigh any harm to the green belt

The following Members asked questions:

- Councillor Michael Muir
- Councillor David Levett
- Councillor Nigel Mason
- Councillor Alistair Willoughby
- Councillor Daniel Allen
- Councillor Tom Tyson

In response Shaun Greaves advised:

- CCTV cameras are on top of 4m high poles. This can be raised with the applicant during the discharge stage
- A basic landscaping scheme strategy has been submitted, but this can be looked at further in the conditional stage
- They would need planning permission again after 40 years. There is a condition proposed on the decommission of the solar farm after 40 years so it will have to return to agricultural land. If they wanted to extend this they would have to apply for planning permission again
- The matter of community grants isn't something we should consider. This is outside the framework. I am aware an offer has been made to the Parish Council from the applicant.
- It would be classified as predeveloped land but there is a condition of it requiring decommissioning and returning back to agricultural land. It is still a low form of agricultural use while it is in use as a solar farm. I wouldn't say 40 years is temporary, but it also isn't permanent and after 40 years it would return back to agricultural use as stated in the condition. It will have an impact on the green belt for 40 years but it won't be a permanent impact

- There are many solar farms around the country and that is a risk with solar farms. This is an asset of the company. The planning permission goes with the land rather than the applicant and the conditions would still apply for the 40 years. Decommissioning could happen sooner if things such as technology changes happen
- There is no means of us requiring benefits to the community. Unlike housing requirements, there is no justification and any requirement for any contributions would not meet statutory requirements. An applicant may offer contributions to the local community and there has been a letter from the applicant to the Parish Council for a contribution.
- They could change things under the 40 years but would have to apply for planning permission
- The applicant proposed 40 years. Previous solar farms have proposed 25 years but that was based on the technology at the time. Now the technology has developed and solar farms can last 40 years. This isn't unique and many solar farms around the UK are like this
- We have made the declaration that we will achieve carbon net zero by 2040. To achieve this there will need to be significant renewable energy within the district, along with many other things. Renewable energy generation is around 10% in North Herts. Nationally, 40% of our energy is generated by renewable sources.

The Chair invited Paul Harding, Caroline McDonnell, Hugh Chatfield, and Derek Carter to speak against the application.

The objectors thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- After the reluctant vote of the Local Plan to approve green belt loss to housing. One week later we are faced with a vote to remove another 200 acres of green belt.
- In the Wymondly Neighbourhood Plan it states the Parish view of retaining the green belt. It has been stated the solar development is not permanent as it will be decommissioned however planning officers have provided case law that confirms that land use for development for 25 years must be accepted as lost to the green belt.
- There will be arable land lost to grain production. The AGR commission report states "This site comprises gently undulating land and fundamentally offers no restrictions to agricultural use and cropping potential". The site is grain producing grade 2 and 3A agricultural land and should be used for food production when food security is paramount in the nation's lives.
- The developers put forward establishing flower rich field margins around the perimeter to increase biodiversity but is already good management and is widely practiced with food crops
- There is a strong presumption in the national framework against developing solar on grade 2 and 3A land. There is no evidence that alternatives have been considered.
- There are better places to produce energy than using grade 2 and 3A land that should be kept in arable production
- The plans are of disproportionate scale. There will be landscape harm and it will be 4x the village size with 4m fencing and CCTV. It will damage the rural character and views from the village and local footpaths. There will also be notable glint and glare for some residents.
- There should be more work done on the plans fire and noise risks. Solar array fires are increasing frequent yet the plan has no input from the fire and rescue service. A fire engine can't easily manoeuvre on site. Plans do include a fire suppressant in the battery containers we saw earlier, however this is deceptive. A fire safety engineer spoke with the manufacturer of the gas suppressant who confirmed their suppressant

- would be ineffective in batteries overheating. Vents release the suppressants to the atmosphere which is also polluting and potentially toxic.
- No consideration has been given to panels amplifying motorway noise to nearby residents.
 - Access roads to the site suffer traffic in excess of their capacity already up to 160 HBD trips a day as proposed for almost a year would be crippling as minor roads are dug up for extensive cabling.
 - The proposed site is a site of natural beauty with lots of wildlife and joins an important conservation area. The footpaths are frequented by many people. Site construction will result in destruction of wildlife. The CCTV, transformers and infrastructure will negatively impact the view from the footpath
 - Solar power is targeted to be 8% of England's carbon neutral energy policy by 2050. If the latest technology panels were used in this case the 150,000 would produce over 70 megawatts and that is over 30% more than the applicant would be allowed. Is the scheme 30% larger than it needs to be or are the panels inefficient. We have reviewed other sites and this is the biggest land take to produce 50 megawatts.

The following Members asked points of clarification:

- Councillor Daniel Allen

In response to points of clarification it was advised:

- I can follow up the name of the company that was spoken to regarding the fire suppressant. The chemical does stop fire but isn't designed to stop the fire that would be caused by a battery overheating and thermal discharge in those instances

The Chair invited Councillor Richard Thake to speak against the application as a Member advocate

Councillor Thake thanked the Chair for the opportunity to address the Committee and gave a presentation which included:

- The Council has declared a climate emergency and we would like to contribute to non-carbon fuels
- The planning process is in place to protect and control but limit any damage that might be caused for the communities in which they live.
- Over a number of years I have been involved in the Local Plan process and professional officers have given advice on the weights that must be applied of the Government. The current administration has said that grad 2 and good quality grade 3A land are not where these should be built.
- The removal of agricultural land for the possibility of grazing isn't good enough
- I have serious doubts of the industry in terms of being honest about the true environmental impact of providing these arrays, running them and decommissioning them
- In 40 years time we have no control over the finances of the person running this to decommission this.

There were no points of clarification from Members

The Chair invited Phil Roden and Tim Lee to speak in favour of the application.

The supporters thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- North Herts declared a climate emergency in 2019 and have committed to becoming a net zero district by 2040.
- In response to national renewable energy targets, AGR have developed Priory farm solar array with the aim of supplying clean renewable energy.
- The key location criteria for any social solar farm is the availability of a grid connection point with sufficient capacity. Existing connection capacity in the UK and North Herts is limited.
- Recently National Grid have stated that they will need to build 7x as much infrastructure in the next 7-8 years than they've built in the last 32. This is to support the move to a net zero electricity system by 2035.
- This is a major investment programme and renewable energy developers are now having to wait 6-10 years to connect new developments. In contrast, Priory farm solar array can connect in 2024 and help decarbonise electricity network well in advance of the 2035 national target.
- The main planning constraint is the sites green belt location. 38% of the total area of North Hertfordshire is allocated as green belt and the proposed site represents just over 0.6% of this green belt land
- The lack of available grid connection points and the extensive nature of the green belt combined with areas of high landscape quality outside the green belt has led to renewable energy developments coming forward near the available grid connection points which are in the green belt.
- The applicants initial site search prioritised identifying land outside the green belt to minimise planning risk. However no other unconstrained viable sites could be secured and no alternative unconstrained connection points were available
- National planning policy does not preclude energy development in the green belt and there are numerous examples where renewable energy developments have been approved in the green belt based on special circumstances associated with national need and the climate change emergency.
- The key green belt consideration is the need to balance the very special circumstances against the harm. This planning balance is set out in section 4.7 of the Committee report and concludes that the special circumstances put forward outweigh the harms of the green belt in this instance.
- The UK government is committed to net zero by 2050 with the interim target of a net zero electricity system by 2035
- The British energy security strategy sets out that a five-fold increase in solar energy is required from where we are today.
- In advance of the recent COP27 conference Rishi Sunak said "we need to move further and faster to transition to renewable energy and I will ensure the UK is at the forefront of this global movement as a clean energy superpower"
- These are aligned with the Council climate change strategy. A key pillar of this is the Council committing to supporting both businesses and residents to switch to renewable energy.
- Only 10.4% of energy generation within the authority were from renewable sources in 2019 when the climate change emergency was announced. The authority hasn't consented any new commercial scale renewable energy projects since declaring the climate change emergency
- The solar farm would only occupy 0.2% of the district yet it would be able to supply almost 32% of the households in North Hertfordshire. This is a very significant contribution to the energy needs of the district and would move the authority a considerable way to becoming a net zero carbon district by 2040.
- This is given significant weight in the planning balance set out on pages 70-72 of the report.

- We are all experiencing spiralling energy costs as part of the current energy crisis and this is the main driver for the current high inflation levels and cost of living crisis.
- The solar farm electricity generation will be delivered at a lower levelized cost than any other generation technology and this will contribute significantly to reducing energy costs to consumers as renewables displace more expensive fossil fuel generation in the energy mix
- The applicant is also in discussion with energy supply partners to offer reduced tariffs to local communities when the solar farm is operational. These discussions are at an early stage but is something that is currently being piloted with communities in proximity to wind farms.
- The applicant presented the project proposals at an open meeting arranged by the Parish Council via zoom in January. In combination with statutory consultee responses this resulted in refinements to the proposals including removal of areas of solar panels, provisions of additional woodland and hedgerow planting to enhance screening, increase buffers to hedgerows and neighbouring footpaths with increased wildflower areas for greater biodiversity gains, identification of 'no dig' areas to preserve archaeology in situ, and provision of permissive footpaths to provide circular routes and enhanced public access to the area.
- Whilst it isn't a material planning consideration, the applicant has offered community benefit funds of £20,000 per year for the full 40-year life of the project totalling £800,000 to be used on local community environmental initiatives in recognition of the localised effects of the development.
- The applicant proposes to have further dialogue with the Parish Council and local community should planning permission be granted and this would inform the construction phase an additional mitigation measure that may come out of those discussions.
- We recognise that there has been flooding events to south of the site in recent years and this has been linked to water catchments which include the application site. Research has shown solar farms do not increase significantly surface water runoff, particularly if the areas below the solar panels are well vegetated with grassland.
- However a robust drainage strategy is being prepared. The overall effect would reduce peak runoff in the 1 in 30-year flood event by 30% compared to the current situation before development. This is a betterment over the current situation and reduces the likelihood of future flood events
- The details of the surface water management can be secured though a suitable worded condition and development would not proceed until this has been agreed with the LLFA.
- The applicant is committed to continuing agricultural activities within the solar farm through sheep grazing and the site would be restored to full agricultural use following decommissioning
- The UK is a food secure country and the biggest threat to food production and farm viability is the current energy crisis and climate change impacts. The proposed development would address both of these key pressures while supporting the existing farm business through diversification.
- The planning committee report sets out a clear and balanced consideration of the key planning and environmental issues. Your experienced planning officer has undertaken a very careful and considered balancing exercise and has concluded that there are material considerations that weigh heavily in favour of the application. These represent very special circumstances that clearly outweigh the harms to the green belt. The proposal is considered a sustainable development.

The following Members asked points of clarification:

- Councillor Tom Tyson
- Councillor Nigel Mason
- Councillor Alistair Willoughby
- Councillor David Levett
- Councillor Tony Hunter
- Councillor Daniel Allen

In response to points of clarification it was advised:

- There is a 50-megawatt maximum
- 12,000 households is based on the maximum energy consumption of all households and is the average households use. This solar farm would provide renewable energy for 36% of all North Herts houses annually.
- There is a 40-year lifespan for all panels. They may need to replace some of the battery cells as they have a shorter lifespan but the solar panels last for 40 years.
- Sheep grazing is a tried and tested method. AGR has a solar farm in Cambridge that have sheep grazing. Whilst growing crops underneath the solar panels is feasible it would require a much bigger area
- An offer has been made in writing from AGR to Parish Councils
- Technology has moved on. 25-year lifespans were linked to wind turbines. All solar farms have been 40-year lifespans due to the investment required. Manufacturers guarantee 40-year lifespans now, whereas before it was shorter
- The carbon payback is 6-10 years for the solar panels
- The 20,000 tonnes is comparing solar generation to gas generation
- The DCO threshold is over 50 megawatts. The inverter capacity limits how much it exports to 50 megawatts. The panels generation is limited to the grid connection
- The biggest threat to agriculture is energy
- There would have been a period of legal discussion with Parish Councils to ensure that there would be funding

Shaun Greaves reminded Members that although there has been mention of financial contributions to Parish Councils, no weight should be given to these in their decision making.

The following Members took part in the debate:

- Councillor David Levett
- Councillor Daniel Allen
- Councillor Tony Hunter
- Councillor Alistair Willoughby
- Councillor Michael Muir
- Councillor Nigel Mason

Points raised in the debate included:

- This is a subjective decision between the green belt and renewable energy. It is an inappropriate development on the greenbelt. It is also turning it into predeveloped land. This should be going to the Secretary of State due to the size of the development and the capacity potentially being greater.
- There were disagreements with the Local Plan for taking away the green belt, however the Local Plan says that there will be more green belt created. So taking away 0.6% isn't that big of an amount considering the amount of solar power created
- There are no special circumstances that warrant removal of the green belt as it is so important

- It is a difficult decision as it is environment vs environment. Unfortunately, we will have to make choices to remove some green belt to save the green belt in the future
- 2% more green belt is being created in the Local Plan, so losing this but won't have much difference. There is a solar farm on each side of a local runway and there has never been any reflection from solar farms while flying and it doesn't produce any glare
- We have an opportunity to do something about the climate emergency but it is at a cost

Councillor David Levett proposed to refuse permission for the reason that there has not been adequate demonstration of exceptional circumstances due to the harm it will create to the landscape. Councillor Terry Tyler seconded and, following a vote, the proposal was **LOST**

Councillor Daniel Allen proposed and Councillor Alistair Willoughby seconded and, following a vote, it was:

RESOLVED: That the application 21/03380/FP be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager and the removal of Condition 7, to be replaced with two further conditions. Therefore the current Condition 9 would become Condition 10, with the other Conditions included within the report changing number accordingly. The additional conditions were:

"Condition 7:

No development including ground works and ground preparation works shall take place until a surface water drainage scheme, based on suitable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100-year + climate change critical storm will not exceed run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

1. A detailed response to the Letter from the LLFA dated 15 November 2022 which addresses the points of concern with the proposed surface water drainage scheme and overland flow management scheme.
2. Carry out any necessary amendments to the proposed surface water drainage scheme and hydraulic modelling for the overland management scheme for LLFA approval. Once the baseline information is agreed the following information should be provided;
3. Demonstrate an overall betterment of the existing pre-development overland flow paths for the 1 in 30-year event, ensuring the flow paths are maintained and not made worse for events above the 1 in 30-year event and up to the 1 in 100 year + climate change event.
4. Detailed engineered drawings of the proposed SuDS/flood risk mitigation features including their location, size, volume depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance for climate change event.
5. Detailed engineered drawings of all proposed discharge locations including headwall details, evidence of land ownership and relevant permissions. A condition survey of these specific locations should also be provided and any mitigation required should be carried out prior to development taking place.
6. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features.

7. Provision of half drain down times for surface water drainage features within 24 hours.
8. Silt traps for protection of any residual tanked elements where appropriate.
9. Construction phase surface water and flood mitigation management plan.
10. Details of how the scheme shall be maintained and managed after completion including adoption of details.

Reason: To prevent the increased risk of flooding, both on and off site in particular to Priory Lane and Little Wymondley.

Condition 8:

Upon completion of the surface water drainage/flood management works for the site in accordance with the timing/phasing arrangements, the following shall be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme). The verification report shall include photographs of excavations and soil profiles/horizons, installation of any surface water structure (during construction and final make up) and the control mechanism.
2. Provision of a complete set of built drawings for site drainage.
3. A management and maintenance plan for the SuDS features and drainage network.
4. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

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

27 22/00982/FP Greenveldt Kennels , Luton Road, Kimpton, Hertfordshire, SG4 8HB

Audio recording – 2:00:29

Andrew Hunter presented the report and gave a verbal presentation, which included:

- An extension of time has been agreed to the 22nd November
- Paragraph 4.3.26 reports should have the number 34.39% amended to 38.95% to reflect the figure in the energy strategy statement on its last page
- Following the adoption of the new Local Plan, the references to the 1996 previous Local Plan in the officer report have been removed and these changes are set out in an addendum to the officer committee report for this item and on the website.
- The site is a previous dog kennels business behind the dwelling which is at the front
- The business has now closed and the land has been cleared of most building structures and vegetation.
- The oak tree car repair garage to the east is the only neighbour and the rest of the site is enclosed by agricultural fields.
- There is a line of mature trees on the west boundary
- The nearest dwelling is approx. 300m away to the west
- The locality is a rural agricultural character and is in the green belt
- The proposal is for the redevelopment and change of use of the site to residential, involving the clearance of building structures and vegetation and the erection of three detached 4-bedroom bungalows each with pitched roofs, parking for the dwellings and visitors. There will be soft landscaping and the existing access will be widened.
- The existing site plan was before it had been cleared of the building structures

There were no questions from Members.

The Chair Neil Burns to speak against the application.

Neil Burns thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- In the last three years there have been three planning applications granted by the Council. First in 2000 was the conversion of a single stable block to provide a 4-bedroom house. The second in 2021 was the erection of two 3-bedroom and one 4-bedroom dwellings which this application seeks to replace. Thirdly, last week the Council granted permission for the extension of the existing dwelling at the front of the site by 100m sq. to be subdivided into two 4-bedroom dwellings.
- In 4.3.4 of the officers report which is inappropriate development, the application doesn't meet either of the two tests of nppf149g. firstly the proposal is not contributing to identified affordable housing needs. Secondly the proposal has an impact on the openness of the green belt.
- The proposed dwellings are now 4.7m in height, which is over twice the height of the existing buildings and significantly higher than that contained in the 2021 approved scheme. This increases the intrusion into the green belt
- The current application seeks to relocate the dwellings 20m further the south away from the existing house and public road. This is a far greater visual intrusion into the green belt
- The existing mature trees to the south east are removed in this scheme, reducing screening and increasing visual intrusion
- In 4.3.6 of the officer report, NHDC define land excluded from PDL as "land that has previously developed but where the remains of the permanent structure or fixed surface structures have blended into the landscape"
- If you refer to the aerial photographs, this was taken before the land was stripped and the existing buildings were substantially dilapidated and overgrown vegetation. The appearance of the site was mainly of grassland and wooded areas. This shouldn't be considered as previously developed land in NHDCs definition
- In 4.3.9 of the officers report, NHDC state the proposal is inappropriate development land unless very special circumstances exist. NHDC state that existence of a prior approved planning application is considered a VSC. The current application must be considered upon its content against the planning regulations and not granted simply because there was a previous approved application.
- This is substantially different to the one given permission in 2021.
- The applicant has made an application on the basis that the existing development was 1400m sq. this figure is incorrect, the actual size is only 50% of this. The post development is actually larger than the existing. In the evaluations, open areas were included in the calculation
- The area of the new scheme is agreed with NHDC that it is 30m sq. larger than the previous application and this should be a reason for not granted for an application for a greater extension of building area in the green belt
- In addition to the technical grounds against planning applications, the current proposal offers only 4-bed properties. If this is approved it will result in the site compromising entirely of six 4-bed houses. None of the needs of the Kimpton Parish housing survey would be met.

There were no points of clarification from Members.

The Chair invited Nicky Tribble to speak in favour of the application.

Nicky Tribble thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- This is a proposal for new housing stock which relates to an existing permission on the site for three dwellings
- The site has substantial history but the main focus of the approval is for three detached single-story dwellings which were approved in 2021
- In response to the Council's concerns for inappropriate development in green belt, the principal of the residential redevelopment of the site has already been agreed and supported by officers under the current permission
- This development could be implemented under the current permission. The applicant however purchased the site with the intention of making some minor changes to the layout, the form and the character of the development
- This revised proposal seeks to change the location of the access road which will now run along the west side of the site. This design change encouraged the retention and protection of the mature trees along the west boundary of the site.
- The new dwellings will occupy a similar position and orientation to the current permissions
- This revised scheme proposed 599 square meters of gross external area. The existing buildings on the site amount to approx. 1400 square meters.
- The reduction in the build enhances the character and appearance of the locality and results in a substantial improvement to the openness of the green belt
- The current permission provides a scheme which is minimal and modern in character and appearance. This scheme proposes traditional pitched roof and external materials which is more in keeping with the rural build styles found locally. The low-rise hip roofs will not extend above the maximum height which has already been agreed. The ridge height has not been increased
- The house types vary slightly in detail and add interest in development which includes alternative materials, brick detailing, and design detailing
- Careful attention has been paid to the street evaluation to create interest and add variety to the build form
- It is the applicant's intention to develop in a more in keeping style and form to enhance the green belt setting

There were no points of clarification from Members

The following Members asked questions:

- Councillor Nigel Mason

In response Andrew Hunter advised:

- The highest points of the dwelling is similar to that of the ridge height of the dwellings now proposed
- The two other applications mentioned by the objector are separate applications and comply with relevant policies
- There are only three dwellings proposed and falls under the national minimum threshold of affordable housing which is 11 dwellings
- The impacts on the area are comparable to the 2021 permission because these dwellings are only 30 square metres larger in terms of their footprint and they will be moved further away from the west boundary of the site which reduces their visibility from outside the site

The following Members took part in the debate:

- Councillor Alistair Willoughby
- Councillor Michael Muir
- Councillor Tony Hunter
- Councillor David Levett

Points raised in the debate included:

- There is a previous approval for a similar application. Currently the site is a dump so I don't think building houses will make it worse it will only make it better.
- Condition 8 mentions trees. I would like to see the gaps filled further with trees and some trees planted on the other side
- This is previous developed land and the previous application was granted so we can't refuse this application
- When this was approved last time we didn't have a 5-year land supply but now we do in the Local Plan, but because this was previous developed land we should grant it

In response to points raised, Andrew Hunter advised:

- The applicants can propose increased landscaping to increase trees. We can add an amendment to condition 8 to plant more trees.

Councillor Daniel Allen noted that the Member that called this item is not present.

Councillor Michael Muir suggested an amendment for Condition 8.

Councillor Daniel Allen proposed and Councillor Alistair Willoughby seconded and, following a vote, it was:

RESOLVED: That the application 22/00982/FP be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager with an amendment to Condition 8 reading:

"Condition 8:

Prior to the commencement of the approved development, the following landscape details shall be submitted:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained – including details of tree cutting
- 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 – hard surfaces shall be of porous materials, or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilages of the dwellings

d) details of any earthworks proposed

e) new tree planting to the west and east boundaries of the site, between the trees on the west boundary, and on the east garden boundaries of the approved dwellings. These trees shall be of native species, with details to be provided as part of b) of this Condition.

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

28 22/01920/FPH 14 Oakfields Avenue, Knebworth, Hertfordshire, SG3 6NP

Audio recording – 2:31:21

Thomas Howe presented the report and gave a verbal presentation, which included:

- Omit the report references saved policies and the emerging nature of the Local Plan. My recommendation still stands
- There is an amendment to Condition 4 of Item 8 relating to the planting of a tree. There is some hoarding erected and some commencement of works related to extent permissions has occurred. It now should read “one replacement native semi-mature tree with a recommended girth of between 16-18cm must be planted in the front garden area of the property 14 Oakfields Avenue within one year of the date of this decision and should the tree die within five years of it being planted, the tree must be replaced in the following planting season”
- Two applications are being considered at the same address so I will only introduce the site once
- It is a detached bungalow to the north of Oakfields Avenue and is in a residential area of Knebworth
- It isn't listed or in the conservation area.
- There is a tree that has now been felled
- This application is looking to join up extant permissions with the emission of certain roof elements. A pitch has been erected to obscure and soften the flat roof.
- The garage is retained and the rear extension with bifold doors is joining up to the garage.
- The loss of the copper beech was strongly object to by neighbours and this tree was also considered to contribute to locality given its large size and pleasing crown. It was felled without being a breach of planning as it was not protected by a tree protection order and the site is not in a conservation area. A condition is attached to both applications requiring that a tree be planted in the front garden to replace the felled tree and contribute to the street scene.

The following Members asked questions:

- Councillor Alistair Willoughby

In response Thomas Howe advised:

- The Neighbourhood Plan does reference the design of the buildings. It is in traditional nature and is as expected for a dwelling of the size. It is my opinion but I believe it is the nature of the Neighbourhood Plan

The Chair invited Peter Calver to speak against the application.

Peter Calver thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- The two applications should be considered together as they are effectively a single development to this plot.
- It is surrounding a 1926 bungalow on all sides with flat roofed extensions is entirely out of character and sympathy with the existing building and surrounding properties
- Oakfields Avenue should be considered as a character neighbourhood whose origins are from the inspired Knebworth Garden Village project from the early 20th century.
- An image of this property can be seen in the original prospectus for the Knebworth Garden Village project
- The bungalow should be described as a building of special architectural interest and should be treated with respect
- The proposed plans will attach a large double garage to the front which will be detrimental to the street scenery
- Very little of the original structure would be visible, contrary to North Herts and Parish Council Local Plan policies. These policies state that the layout, design, existing features, and character of the surroundings must be considered. "Concern for the site and surroundings is equally, if not more, important for conversions. Single dwellings can have a disastrous impact on the street scene or building itself. Existing features should be retained as far as possible and development on sites and areas having established character will need careful consideration as to whether they are acceptable at all".
- Many surrounding properties have been developed over the years in sympathy to their origins and this should continue
- The statutory notifications for these applications were not originally displayed at the site by the applicant. It was only after objections were received, it was displayed with only a few days left for objections
- Planning extended time for objections but the notices were not updated at the site.
- Another extension was put forward and the planning officer attended the site to ensure the notices were displayed for the full period
- There was a felling of a significant 80-year-old beech tree on the boundary between 12 and 14.
- The previous application plans didn't include this tree and after informing Council planning the plans were amended to include the tree.
- There was an inspection with a view to imposing a TPO on the significant tree. The tree officer said, "the felling of this tree will be criminal". He rated the tree definitely meriting a tree preservation order and considered the tree to be in joint ownership between 12 and 14.
- The applicant in the signed declaration stated that no tree was to be felled and this was reaffirmed by emails.
- The application for the detached garage under the tree were refused because of the tree
- With no consultation, the beech tree was felled

The following Members asked points of clarification:

- Councillor David Levett

In response to points of clarification it was advised:

- I am house number 12 which is the bigger house

The Chair invited Councillor Lisa Nash to speak against the application as a Member advocate

Councillor Nash thanked the Chair for the opportunity to address the Committee and gave a presentation which included:

- There have been a considerable number of applications which have caused confusion to residents who feel they can't comment fully. This application should have been a single application
- This property is currently unoccupied and stands on the road in full view of neighbouring properties and street scene
- Oakfields Avenue was built in keeping with the garden village design which provides wide main avenues and large gardens, similar to Letchworth, and is protected
- This application disregards this approach as it is in conflict with the adopted neighbourhood plan.
- Oakfields Avenue is recognised as a character road in Knebworths neighbourhood plan.
- One objective of Knebworths neighbourhood plan is to retain the existing architectural character of the garden village which this proposal is contrary to.
- This proposal is not in keeping with the character of the property nor those surrounding it, which have pitched roofs.
- The large garage dominates the front of the property and is disproportionate to the size of the property itself and significantly forward of the building line.
- These features negatively impact the street scene for neighbouring residents
- This application is also contrary to NHDC policies 28 around house extensions and 57 residential guidelines and standards, by not retaining the shape and existing features of the property.
- It is contrary to the adopted Local Plan policy D2 due to the adverse effect on the character and appearance of the street scene
- The road have unique characteristics which should be protected
- Several neighbours were unhappy about the felling of the beech tree which was due to have a TPO put on it
- A new and complete planning application should be submitted which shows changes in the property to date and all proposed alterations which is in character to the street scene.
- I request two conditions are attached. The reinstatement to replace the tree that was felled to maintain the environment, and that due to the disproportionate size of the garage which is significantly forward of the building line, that permitted rights are moved and conversion to residential use should not be allowed

The following Members asked points of clarification:

- Councillor David Levett
- Councillor Tom Tyson

In response to points of clarification it was advised:

- All the other houses have been altered but have been in keeping with the character and were done before the Neighbourhood Plan which specifically mentions Oakfield Avenue
- The road is in the Neighbourhood Plan and is a recognised character road

The Chair invited Justin Reed to speak in favour of the application.

Justin Reed thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- The applicant was previously granted prior approval for the single-story rear extension with a depth of 5.32m and granted planning permission for a single-story side and front extension and conversion of a garage into a room.
- This application seeks to connect the two applications together.
- There have been points regards to established character, but there are a range of types of houses and there isn't an established character along the street.
- The difference between the two approved applications and this one is very slight in differences.
- The tree was felled in June and the planning officer has recommended an additional condition which requires the client to plant another tree. There was no breach as the tree didn't have a TPO. The tree doesn't form part of this application so there shouldn't be a condition added to it

There were no points of clarification from Members

The Chair invited Thomas Howe to respond:

- The design is sympathetic
- The neighbourhood plan does discuss Oakfields Avenue and views down. This is why previous applications were refused for a detached garage at the front.
- The frontage is still open and you can still see the majority of the design of the dwelling
- There is a lot of variation along Oakfields Avenue of bungalows and 2-storey dwellings.
- There were notices put up with correct expiry date to allow for full consultation
- The applicant can submit two applications, and they are detached from each other.
- The planting of a tree in the front garden would be a positive impact to number 14 and the wider area.

Tom Allington also responded:

- A condition to prevent the garage from being turned into a room was not imposed on the previous application so would be considered unreasonable to impose it now.
- Usually when we impose a condition like this it is to retain parking, but this site has ample parking in the front.

The following Members took part in the debate:

- Councillor Alistair Willoughby
- Councillor Daniel Allen
- Councillor Nigel Mason
- Councillor Michael Muir
- Councillor David Levett
- Councillor Simon Bloxham

Points raised in the debate included:

- The issue seems to be with the character however we have heard from a lot of people that it seems to be in line with the character of the street.
- The tree shouldn't have been removed

- The wording should be that the tree should be planted in the front garden not just on the property. With a tree of that size, will there still be ample parking at the front of the property for two vehicles
- Was there a pending TPO on the tree that was felled. We should make sure that the new tree doesn't get cut down too
- If there is a tree felled for a development we should have a policy as a Council to ensure they plant two trees rather than just one. A tree in the back garden can be planted as well as in the front
- The previous application was different
- We don't have proof that it was felled for planning reasons. I can't believe that in the next application there is the same wording so there could be two trees planted

In response, Tom Allington advised:

- Condition 4 has been updated. The tree should be planted within a year should this application be granted
- If the tree is to be planted in a similar place to the last tree, the driveway is big enough so there is enough space
- We are keeping the two applications separate and if both are approved then they would need to plant two trees. The main harm that was caused was the visual impact so planting a tree in the back garden won't do much to mitigate this

Thomas Howe also responded:

- There is wording to ensure the tree is planted in the front garden
- The previous application proposed two garages, we only allowed one

Councillor Alistair Willoughby proposed and Councillor Daniel Allen seconded and, following a vote, it was:

RESOLVED: That the application 22/01920/FPH be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager with an amendment to Condition 4 reading:

"Condition 4:

One replacement native semi-mature tree with a recommended girth of between 16-18cm must be planted in the front garden area of the property 14 Oakfields Avenue within 1 year of the date of this decision. Should the tree die within 5 years of it being planted, the tree must be replaced in the following planting season.

Reason: In the interest of local amenity."

29 22/01921/FPH 14 Oakfields Avenue, Knebworth, Hertfordshire, SG3 6NP

Audio recording – 3:10:15

Thomas Howe presented the report and gave a verbal presentation, which included:

- The proposed extension is to the right side of the property and will have a flat roof

There were no questions from Members.

The Chair invited Peter Calver to speak against the application.

Peter Calver thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- The objections are equally balanced for this application
- The attaching of a flat roofed extension partly to the front side visible from the street, the character property is at odds with the original building and those surrounding it
- It should be sympathetic to the buildings around it and in respect to the character of the neighbourhood
- This application is designed to be part of the larger development so why wasn't it included in the previous application.
- The original bungalow doesn't exist as the rear extension has been demolished and the building has been gutted
- The applicant work started without consent

There were no points of clarification from Members.

The Chair invited Councillor Lisa Nash to speak against the application as a Member advocate

Councillor Nash thanked the Chair for the opportunity to address the Committee and gave a presentation which included:

- Many residents were unaware
- This application is contrary to the Knebworth Neighbourhood Plan
- It will have a massive impact on the street scene as it is not in keeping with surrounding properties
- It would have been better to have one complete plan that was sympathetic to the street scene and in line with policies.
- The front of the property will be a lot further forward than neighbouring properties
- It has a massive visual impact on neighbouring properties

There were no points of clarification from Members.

The Chair invited Justin Reed to speak in favour of the application.

Justin Reed thanked the Chair for the opportunity to address the Committee and gave presentation which included:

- There is no established character along the street with properties varying in size and style.
- This proposal will be a front extension to create a uniform appearance.
- It is a relatively small addition and won't harm the visual impact of the site

There were no points of clarification from Members

The Chair invited Thomas Howe to respond:

- The setback nature of the dwelling and modest scale and visual impacts means it will not have a massive impact

The following Members took part in the debate:

- Councillor Alistair Willoughby

- Councillor Michael Muir
- Councillor Simon Bloxham
- Councillor Daniel Allen
- Councillor David Levett

Points raised in the debate included:

- We've just approved the visual of the building site so we can't refuse this
- It doesn't say what type of tree should be planted, I think it should state it is a Beech tree as that is what was removed
- We don't need two trees, we already have one now that replaces the other one
- If the tree is planted in the first condition and they build the second extension do they have to build both trees. If a second one is planted it should be placed in the back garden
- Sometimes you can't replace a tree with the exact same tree so having it as a native tree is better.

In response, Tom Allington advised:

- The condition says it should be a native tree, but this can be specified
- A replacement tree is important. These are two different applications for two different extensions. If they don't build on of the extensions then they will only have to plant one tree

Councillor Alistair Willoughby proposed and Councillor David Levett seconded and, following a vote, it was:

RESOLVED: That the application 22/01920/FPH be **GRANTED** planning permission subject to the reasons set out in the report of the Development and Conservation Manager

30 PLANNING APPEALS

Audio recording – 3:24:48

Tom Allington updated Members on Planning Appeals which included:

- We have five appeal decisions to report back
- The site at Croft Lane in Letchworth and this is now one of our allocated housing sites. This was recommended for approval by the officer and was overturned and refused by the Committee on the grounds that Croft Lane was too narrow for the levels of traffic.
- The appeal was dismissed but the inspector found that the reason given by the Council was acceptable and the impact of the traffic would be an unacceptable level. It was dismissed because the obligations in the unilateral undertaking had not been fully justified and therefore had not been found to be fully compliant.
- There are four other appeal decisions but they are not hugely noteworthy but I am happy to take questions

REASON FOR DECISION: To keep the Planning Committee apprised of planning appeals lodged and planning appeal decisions.

The meeting closed at 11.00 pm

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|-------------------|--|
| <u>Location:</u> | Former Wyevale Codicote Garden Centre, High Street, Codicote, Hitchin, Hertfordshire, SG4 8XA |
| <u>Applicant:</u> | Taylor Wimpey North Thames |
| <u>Proposal:</u> | Residential development of 66 dwellings and associated new local open space, access and associated works (as amended by plans and documents received 23rd December 2021, 25th January 2022, 8th & 15th July 2022, 18th August, 26th September and 3rd & 10th November 2022). |
| <u>Ref. No:</u> | 19/01448/FP |
| <u>Officer:</u> | Naomi Reynard |

Date of expiry of statutory period: 20th December 2022

Reason for Delay

Ongoing delays with the examination of the Local Plan and ongoing negotiations and finalising of s106 legal agreement.

Reason for Referral to Committee

The site area for this application for residential development exceeds 0.5ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

1.0 Relevant History

- 1.1 Various planning applications from 1974 to 2000 associated with its former use as a garden centre.
- 1.2 Pre-application enquiry for residential development. Two options considered – one for the site of garden centre (emerging allocation CD2) and one for the site of the garden centre and land in same ownership to the north (17/02581/1PRE).
- 1.3 Pre-application enquiry for residential development comprising of 78 dwellings with associated access and landscaping (18/02490/PRE).

2.0 Policies

Supplementary Planning Documents

- Codicote Conservation Area Character Statement
- Design SPD
- Planning Obligations SPD
- Vehicle Parking Provision at New Development SPD (2011)
- North Hertfordshire and Stevenage Landscape Character Assessment

2.2 National Planning Policy Framework

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 6: Building a strong competitive economy
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 13: Protecting Green Belt land
Section 14: Meeting the challenge of climate change, flooding and coastal change
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

The Local Plan was adopted by Full Council on 8th November 2022.

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP5: Countryside and Green Belt
Policy SP6: Sustainable transport
Policy SP7: Infrastructure requirements and developer contributions
Policy SP8: Housing
Policy SP9: Design and sustainability
Policy SP10: Healthy communities
Policy SP11: Natural resources and sustainability
Policy SP12: Green infrastructure, landscape and biodiversity
Policy SP13: Historic Environment
Policy ETC7: Local community shops and services in towns and villages
Policy T1: Assessment of transport matters
Policy T2: Parking
Policy HS1: Local Housing Allocations
Policy HS2: Affordable Housing
Policy HS3: Housing Mix
Policy HS5: Accessible and adaptable housing
Policy D1: Sustainable design
Policy D3: Protecting living conditions
Policy D4: Air quality
Policy NE1: Strategic green infrastructure
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE6: New and improved open space
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE9: Water quality and environment
Policy NE10: Water conservation and wastewater infrastructure
Policy NE11: Contaminated land
Policy HE1: Designated heritage assets
Policy HE4: Archaeology

The majority of the application site (excluding the area for the attenuation pond) is identified in the Local Plan as a Local Housing Allocation under Policy CD2. The site was previously in the Green Belt, but the Local Plan has removed most of the application site (excluding the area for the attenuation pond) from the Green Belt and incorporated it within the settlement boundary of Codicote. This policy also contains detailed policy criteria for consideration in the determination of any relevant applications for planning permission, which are copied below for reference:

“Policy CD2 – Codicote Garden Centre, High Street – Dwelling estimate 54 homes

- ***Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery;***
- ***Appropriate solution for expansion of Codicote Primary School to be secured to accommodate additional pupils arising from this site;***
- ***Contribution towards expansion of Codicote Primary School;***
- ***Transport Assessment to consider the cumulative impacts of sites CD1, CD2, CD3 and CD5 on the village centre and minor roads leading to/from Codicote and secure necessary mitigation or improvement measures;***
- ***Access through site to adjoining sports field and community centre;***
- ***Preliminary Risk Assessment to identify any contamination associated with previous uses including mitigation;***
- ***Consider and mitigate against potential adverse impacts upon adjoining priority deciduous woodland habitat;***
- ***Sensitive design taking opportunities to enhance setting of Grade II* Listed Church of St Giles;***
- ***Retain and strengthen existing boundary hedgerows.”***

2.4 Hertfordshire County Council

Local Transport Plan (LTP4 – adopted May 2018)

Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document 2012

2.5 National Planning Practice Guidance

Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

2.6 Draft Neighbourhood Plan

The Parish is designated as a neighbourhood planning area. The Parish Council website states that the Codicote Neighbourhood Forum, under the authority of Codicote Parish Council, is preparing a Neighbourhood Plan for the Parish of Codicote. There is a draft Neighbourhood Plan (September 2021) on the Parish Council’s website, but this cannot be given any weight at this stage.

3.0 Representations

3.1 Codicote Parish Council

In August 2019 made comments, which can be summarised as follows:

- The application is premature; the Local Plan Inspector has requested that NHDC reconsider the proposed release of Green Belt land and that further public hearings be held prior to determining the outcome of the Local Plan.
- Would cause significant harm to the openness of the Green Belt and not demonstrated any special circumstances.
- Codicote Parish Council has consulted with Taylor Wimpey and it is regrettable that they have not taken forward their comments.
- The line of conifers on the boundary with the sports field should be removed and replaced with native species. The proposed timber fencing along this boundary would make remedial work on these trees virtually impossible.
- Taylor Wimpey have removed large quantities of established trees prior to this application being submitted.
- The plans show a limited amount of new trees being proposed and very little use of new hedging, mainly close boarded fencing proposed.
- The Parish Council would have liked to see Taylor Wimpey submit a planting scheme for the area to the north of the proposed development site to help ameliorate the negative impact the development would have on the visual approach to the village and encourage the establishment of an area

- of mixed planting and open spaces for recreation.
- In their discussions with Taylor Wimpey, the Parish Council concluded that access from the site to the John Clements sports field is undesirable. However, notice that two pedestrian access points are included in the plans. Although this was a recommendation by the Local Plan Inspector, they consider that it will encourage activities detrimental to the safe use of the recreation ground and these access points are not required.
- The site is far more densely developed than the neighbouring Tower Road and failed to find evidence that they have drawn on existing housing stock to inspire the scheme.
- In conclusion, if this plan were to be considered in the event of the site being removed from Green Belt status the Parish Council would object on the grounds of the density, design and lack of adequate landscaping.

In May 2022 Codicote Parish Council confirmed that they stand by the previous comments that have been submitted in respect of this application and before the planning application is assessed, North Herts Council should wait until the inspector's report has been received and assessed prior to passing any judgement.

In November 2022 Codicote Parish Council made the further comments, which can be summarised as follows:

Codicote Parish Council would allow Taylor Wimpey access via one pedestrianised walkway to the John Clements sports field, but only under the following strict conditions: -

- That access to the footpath is under the control of Codicote Parish Council and can be shut at any time should the path become used to facilitate anti-social behaviour or increases in theft from the sports field and community centre. The Parish Council would appoint a solicitor to draw up an appropriate legally binding document to enable this.
- That s106 monies totalling £100,000 are granted to the upkeep of the Peace Memorial Hall, which is in urgent need of a new roof and other substantial upgrades to maintain its viability as a community-based centre.
- That the John Clements Sports & Community Centre is attached to mains drainage.

The offer to upgrade the play area referred to previously has been noted by Parish Council; but is not of interest at this stage.

3.2 **Hertfordshire County Council (Highways):**

Does not wish to restrict the grant of permission subject to conditions and informatives. The Highways Authority amended their comments following re-consultation and these included amended conditions and s106 contributions. Requested contributions (index linked) for sustainable transport and an enhanced bus service and that a car club bay is secured by the s106 Agreement. The upgrading of the bus stops would now be secured by condition rather than as a s106 contribution.

3.3 **Hertfordshire Ecology**

In comments made in 2019 concluded that cannot advise this application is determined until the originally recommended bat survey is undertaken and the results, together with revised / appropriate mitigation, submitted to the local planning authority for written approval. Recommended condition re New Zealand Pigmyweed. Recommended that the measures to create by biodiversity gain that form part of the application should be incorporated into a Landscape and Ecological Management Plan (LEMP) and submitted for the consideration of the local planning authority as a condition of approval.

In comments made in October 2022 they concluded that there was sufficient information on protected species for determination; but raised some queries with regards to the Biodiversity Net Gain (BNG) calculations. Following re-consultation on further information submitted, they advised that the trading rules of the metric can be met, however, they required further information with regards to the scoring of the SUDS feature. Comments are awaited on further information submitted by the applicant's ecological consultant.

3.4 Herts and Middx Wildlife Trust

Initially objected to this application for the following reasons: Biodiversity Impact Assessment Calculator has not been used to demonstrate net gain to biodiversity (habitats) in contravention of North Herts draft local plan; Ecological report not compliant with BS 42020 and insufficient detail on the width of buffers provided to priority habitats in contravention of the North Herts draft local plan. Following receipt of a Biodiversity Net Gain Matrix and re-consultation HMWT considered that the metric is acceptable and shows a biodiversity net gain. In order to secure the outputs of the metric and other measures in the ecological report they recommended that a pre-commencement condition should be imposed requiring a landscape and ecological management plan (LEMP) to be submitted to, and approved in writing by, the Local Planning Authority. They recommended wording of the condition.

3.5 Lead Local Flood Authority

Following a review of the Flood Risk Assessment and Drainage Strategy (including amendments) they have no objection in principle on flood risk grounds and can advise the LPA that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy. They recommended conditions.

In their initial comments in 2019 they stated that as it is proposed to discharge via deep borehole soakaways, they would recommend contacting the Environment Agency in relation to any concerns they may have and that the Environment Agency may require an Environmental Permit for discharge of surface water via deep borehole soakaways. They acknowledge that the part of the site is located in Source Protection Zone 3. However, all boreholes have been located outside this area.

3.6 Landscape and Urban Designer

Provided detailed comments in July 2019 in relation to the original plans and concluded that they cannot support the proposals due to poor layout, as a result of too many dwellings on the site, the attenuation basin not located within the site boundary, open space provision not located on the periphery of the scheme, location of the electric sub-station should be reviewed, lack of a strong northern boundary and design should address fact it is a gateway site. Set out further information required with regards to hard surfacing materials, landscape proposals plan, maintenance proposals for the open space and details of what happens at the northern edge of the main access road. No comments made on amended plans, as no longer have a Landscape and Urban Designer at North Herts Council.

3.7 Conservation Officer

Did not submit a formal response, but commented that they assumed that the view expressed at a pre-app stage; i.e. that the ***".... relationship between the application site and church is partly interrupted and the relationship could be said to be a rather tenuous one at best...."*** is such, that their planning colleagues considered that the setting of the church does not merit further in-depth consideration.

3.8 Crime Prevention Design Advisor, Hertfordshire Constabulary

Raised no major concerns with original plans. However, raised concerns with the amended plans. Disappointed that the applicant has failed to demonstrate how they intend to address issues regarding crime, disorder, and the fear of crime in line with Emerging Local Plan Policy D1. Raised substantive concerns with the proposed parking facilities. Given the concerns, the Police Crime Prevention Design Service are not able to support this application in its current form. Should the applicant decide to engage with Hertfordshire Constabulary's Crime Prevention Design Service with a view to seek accreditation to the Police preferred minimum security standard that is Secured by Design then this position could change.

3.9 Environmental Health (Noise)

Recommend securing the necessary noise mitigation measures by condition. Recommended condition requiring full details of a construction phasing and environmental management programme. Recommended informatives in relation to the demolition and construction phases.

3.10 Environmental Health (Contaminated Land)

Recommended condition requiring a written preliminary environmental risk assessment (Phase I) report.

3.11 Environmental Health (Air Quality)

No objections. Recommended Travel Plan condition and Electric Vehicle recharging infrastructure condition and informative.

3.12 Historic Environment Team (Archaeology)

Recommend archaeological conditions should be placed on consent, given the potential impact of the development upon archaeological remains (heritage assets).

3.13 HCC Fire and Rescue Services

Requested fire hydrants in S106 Agreement (but their comments now superseded by recent from the Water Officer below).

3.14 The Water Officer, Hertfordshire County Council

Recommended fire hydrants secured by condition (rather than s106 Agreement).

3.15 Waste and Recycling Team, North Herts Council

Recommended a pre-occupation condition requiring a scheme to be submitted and approved setting out details of all on-site household refuse and recycling storage and collection facilities.

3.16 HCC Minerals and Waste Team

The County Council, as Waste Planning Authority, would expect commitment to producing a Site Waste Management Plan (SWMP) and for the SWMP to be implemented throughout the duration of the project. The SWMP must be prepared prior to commencement of the development and submitted to the Waste Planning Authority for comments.

3.17 Environment Agency

The Environment Agency were consulted; but responded in February 2022 to advise that they would not provide comments unless a checklist has been completed. The proposed development does not appear to fit criteria on checklist. The LLFA had advised the local planning authority to consult the Environment Agency in their original comments, so they were reconsulted on 6th October 2022. No comments have been received at the time of writing the report.

3.18 Thames Water

Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, they would not have any objection to the above planning application, based on the information provided.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

3.19 Affinity Water

Recommended conditions relating to contamination through surface water drainage and contamination through construction and a water efficiency informative, and infrastructure connections and diversions informative. In their comments received June 2022, they raised a concern that houses are proposed in close proximity to the boundary of Codicote Water Tower. Conifer trees line the northern and western boundaries of the site which have the potential to impact the closest houses from an amenity perspective. As such, it would be beneficial to the future occupiers of the site for those properties closest to the water tower to be relocated further away.

3.20 Anglian Water (Planning and Capacity Team)

Having reviewed the development, it falls out of their Statutory sewage boundary. Therefore, have no comments.

3.21 CPRE Herts

Raised objections to the application as originally submitted, which can be summarised as follows:

- This proposal represents over-development of the site which would cause significant harm to the openness of the Green Belt, for which no valid very special circumstances sufficient to outweigh that harm have been presented.
- The determination of the application at the present time would be premature and would be prejudicial to the outcome of the ongoing Examination in Public.

In their comments in March 2022 continued to object for the same reason as above and they added that:

- The amendments do not affect the principle of inappropriate development in the Green Belt.
- The delay in concluding the Examination in Public indicates the complexity of the issues raised and, in any case, circumstances have changed significantly since this application was made in 2019, including the impact of

changing household formation projections on future housing need, considerable changes have been made in associated legislation, namely the Environment Act 2021 and Climate Change Acts, and the increasing requirements to take full account of biodiversity net gain.

3.22 Service Manager, Greenspace

Confirmed that due to its location, it is unlikely that NHC would consider the open spaces for adoption as they do not enhance or positively contribute to our existing portfolio of open spaces. It is their understanding that the Parish Council undertake maintenance of the open spaces in Codicote and therefore their input would be vital.

3.23 Housing Supply Officer

Confirmed that based on the provision of 66 units, the council's affordable housing requirement is 40%, which equates to 26 units: 17 rented and 9 intermediate tenure. Detailed the mix required and the amended mix has been agreed. Provided guidance on the provision of the affordable housing. Commented that in June 2021 the Government introduced a policy requiring 25% of affordable housing provided to be First Homes, although there are transitional arrangements in place. Seven of the intermediate affordable housing units could be delivered as First Homes to meet this requirement. (These comments were made prior to the adoption of the Local Plan).

3.24 HCC Growth and Infrastructure Team

Require s106 contributions for Primary Education, Secondary Education, Nursery Education, Youth facilities, Special Educational Needs and Disabilities, Library services, Waste services and monitoring based on new guidelines. Please see table later in report which sets out the details for the s106 contributions.

3.25 NHS East and North Hertfordshire Clinical Commissioning Group

Confirm that there is no application for S106 for healthcare (Primary Care GP, Acute, Community & Mental Health).

3.26 Neighbours and local residents

The application has been advertised via neighbour notification letters, the display of site notices and a press notice. At the time of finalising this report, a total of 98 representations have been received (running total can be viewed on the Council's website). Only one representation was in support. Consultations were carried out in July 2019 following receipt of the application, then in February and July 2022 (following receipt of amended plans and documents). These representations are available to view in full on the Council's website.

The objections and issues raised are summarised as follows:

Green Belt, Local Plan and Prematurity

- Inappropriate development in the Green Belt and there are no exceptional circumstances or very special circumstances. Destruction of the five Green Belt purposes.
- NHC's treatment of the Green Belt, as well as its assessment of housing need, in its ELP have been queried by the Planning Inspector. Should not proceed further with this application until have the EIP Inspector's report and decision.

(Local Plan now adopted – these objections made prior to adoption).

Infrastructure and services

- Codicote village lacks the necessary infrastructure, proper amenities and services to support this new housing and in particular given the cumulative impact of the development of the five proposed housing sites in the Local Plan.
- The proposed increase in dwellings will place a significant increase on the already overstretched services.
- Inadequate infrastructure includes: oversubscribed primary school and secondary schools, doctor (no surgery in Codicote and nearest ones in Welwyn and Knebworth are oversubscribed, at capacity and serving large areas), insufficient parking at Bridge Cottage Surgery in Welwyn, no dental practice (nearest NHS dentist in Welwyn Garden City), A & E department at Lister Hospital is 9 miles away with no public transport available, police, fire and ambulance services, local hospitals, places for children to play, places for young people to meet, inadequate sewerage, inadequate surface water drainage, flooding issues, electricity supply (frequent shortages/power cuts/outages), gas supply, water supply and pressure, inadequate telecommunications including broadband, Council services including refuse collection, poor condition of roads and pavements, poor public transport, insufficient space at local train station car parks (Knebworth and Welwyn North), existing motorways and rail networks beyond their intended capacity and no Local Authority leisure facilities in village.
- Codicote Primary School is oversubscribed with large class sizes and there are not enough places for children who currently live in the village. Forcing the school to expand on a constrained and compromised site which is not suitable for the purpose and will further increase congestion around peak times in the nearby roads. There should be a reassessment of the needs for Codicote School, particularly given the uplift in dwelling numbers on the sites that have come forward.

Highways, traffic, access and parking

- Increase in traffic, which will exacerbate existing congestion problems in the High Street and surrounding narrow lanes, especially at peak times.
- Adverse impact on highway safety, especially for cyclists and pedestrians.
- Increase in air pollution and noise.
- The High Street is already dangerous due to parked cars, use by large vehicles and traffic, and used as a rat run for the A1, particularly if there are hold ups on the A1M.
- The proposal does not provide for adequate traffic calming measures.
- Safety concerns with regards to access onto an extremely busy road and as existing issues with drivers speeding in this part of the High Street. Insufficient on-site parking will exacerbate existing parking issues on High Street and Tower Road.
- Increased use of the village facilities will increase pressure on parking.
- Require more residents and visitor parking on site as rural area and the majority of the residents would need to drive to work.
- The report prepared by Railton TPC Ltd on behalf of Save Rural Codicote highlights the issues around congestion at peak times, lack of parking and safety concerns. It concludes that Codicote is by far, the least sustainable location as a location for new development and does not minimise the need to travel or maximise the use of sustainable transport modes.
- Adverse impact of congestion during construction and contractor vehicles parking on street.
- The road traffic surveys carried out do not take into consideration the recent permission for a Concrete Batching Plant and the cumulative impact of the Local Plan sites. The Highways and Traffic report should be current.

Impacts on amenity

- Adverse cumulative impact on character of the village of the four developments planned.
- Overdevelopment and too high density.
- Adverse impact on countryside and landscape.
- Loss of view.
- Poor housing design.
- Question design of parking courts.
- Significant quantities of established trees on the site already been removed and limited replanting proposed. Should require a planting scheme for the area to the north of the proposed development site.
- Should preserve a pedestrian and vehicular access through the site to the village sports field and the John Clements Sports and Social Centre.
- A footpath from the development should exist near to the children's play area. The footpath at the corner of the tennis courts is not acceptable or convenient.

Other issues

- Cumulative impact of the four allocated housing sites in Codicote and other proposed development including in nearby towns and villages, expansion of Luton airport, and the permission granted for the Concrete Batch Processing Plant at Rush Green.
- Loss of rural land.
- Detrimental to the countryside.
- Not consistent with the Council's climate emergency motion.
- Harm to and loss of wildlife and habitats.
- The plans do not appear to support environmentally friendly building methods or sustainable living.
- Loss of garden centre (local business).
- Significant uplift in dwelling numbers compared to dwelling estimate in Local Plan in common with the other applications.
- Question accuracy of all the applicant's professional reports, given the increase in dwelling numbers in Codicote.
- Concern that there will be future development to the north of the application site.
- Shops suffer, if people are not able to park.
- Consultation processes not adequate.
- Exacerbate existing issues with flooding.
- Will not provide genuine affordable housing.
- Adverse impact on health and wellbeing of Codicote residents.
- Question demand for housing.
- Urgent need for bungalows in Codicote.
- Question whether the housing will be affordable.

Other suggestions from local residents

- Create a new Garden City or new town elsewhere.
- Development could include a new Doctors surgery.
- Land is Green Belt and should be returned to its natural form.
- Roundabout put in place before any building work starts.
- Codicote Primary school should be relocated here.
- Lack of inclusive play equipment for disabled young people in the proposed development and existing village.
- No details provided as to how developer contributions will be leveraged and ring-fenced for play areas and community facilities.

One representation was received in support of the application to deliver much needed housing without further delay, particularly given recent appeal decisions at Heath Lane, Codicote, and Ickleford.

4.0 Planning Considerations

Site & Surroundings

- 4.1 The application site is located to the north of the village of Codicote. The whole site is approximately 3 hectares and the housing site (excluding the attenuation basin area to the north) is approximately 2.7 hectares. The site was previously the location of the Wyevale Codicote Garden Centre. The Design and Access Statement sets out that previously the northern half of the site was divided equally between hard landscaping/tarmac including a car park on the west and soft landscaping/grass on the east and the southern half of the site was occupied by a number of single storey industrial sheds/structures which were home to the Wyevale Garden Centre. The site has now been cleared of buildings/structures and is overgrown. The Design, Access and Landscape Statement confirms that there is a fall across the site from south to north of approximately 1.2 metres to a low point along the northern boundary.
- 4.2 The B656 bounds the west of the site and there are some large trees along this boundary. To the west, on the opposite side of the B656 (High Street) there is a deciduous woodland with agricultural land to the north west. The north of the site is bounded by open countryside. The Design, Access and Landscape Statement states that this is vacant agricultural land with saplings of a recently planted community orchard located approx. 50m from the site's northern boundary. There is a fence along the northern boundary as well as a hedgerow and trees. The site is bounded by residential development to the south. The southern boundary is mainly close boarded fencing with some vegetation. Immediately to the east of the site is the John Clements Sports and Community Centre, tennis courts, playing fields, playground and scout hut. There is currently a 2.4m high security fence along this boundary as well as mature trees and hedgerow. There is no access between the site and the playing fields to the east. [There is a water tower adjacent to the site's south-east corner, surrounded by a line of conifer trees.](#)
- 4.3 There are not any public footpaths crossing the site. However, the Design, Access and Landscape Statement states that a permissive footpath links the north western corner of the site to Public Right of Way Codicote 039, which is to the north west of the site, the opposite side of the B656. Public Right of Way Codicote 9 is relatively close to the site to the north east and accessed via Bury Lane. Public Right of Way Codicote 1 runs parallel with the southern boundary of the site to the south of Tower Road.
- 4.4 The Conservation Area is to the south of the site. The northern boundary of the Conservation Area is just to the south of the entrance to Tower Road from the B656. There are Listed Buildings in the High Street, but they are some distance from the site. The Grade II* Listed St Giles Church lies to the south-east of the site, but is some distance from the site.

Proposal

- 4.5 The application is a full application for residential development of 66 dwellings and associated new local open space, access and associated works (as amended). The application as originally submitted in June 2019 was for 72 dwellings. There have been many amendments following negotiations, including the reduction in unit numbers after the application was referred to Design Review in November 2020.

4.6 In addition to the plans the application is supported by the following documents (some of which have been amended and reissued during the course of the application).

- Planning Statement
- Design, Access and Landscape Statement
- Flood Risk Assessment and Drainage Strategy
- Energy Statement
- Arboricultural Impact Assessment
- Ecological Appraisal
- Further Ecology Report
- Letters from Aspect Ecology
- Heritage Statement
- Primary School Education Needs Assessment Update Report
- Environmental Noise Survey
- Residential Travel Plan
- Transport Statement
- Accommodation Schedule
- Lighting Report
- Highways response
- Affordable Housing Statement
- BT asset plan
- UK Power Networks documents
- Cadent asset plan
- Utilities Statement
- Affinity Water Asset plan
- Virgin Media Asset Plan
- Statement of Community Involvement and flyers
- MRA Note on public open space
- Environmental Enhancements Flyer
- Quote for play equipment and picture sheet
- Visualisations

4.1 **Key Issues**

4.1.1 The key issues for consideration of this full planning application are as follows:

- Policy background and the principle of development
- The delivery of market and affordable housing
- Impact on heritage assets
- Impact on the wider landscape setting
- Impact on the character and appearance of the area
- Impact on the highway network, access and parking
- Environmental considerations
- Whether the development would represent a sustainable form of development.
- Planning obligations
- Climate change mitigations

Recent appeal decisions and permissions in Codicote

Heath Lane appeal

4.1.2 A key material consideration in the determination of this application is the recent appeal decision at Land South of Heath Lane, Codicote ref. PP/X1925/W/21/3273701 (Heath Lane appeal). An application (Heath Lane application) was submitted in 2015 for residential development of 167 dwellings

(Use Class C3) and associated works including formal open space, internal road network, landscape enhancement and creation of accesses from Heath Lane and St Albans Road; and the demolition of 66 St Albans Road (as amended by drawings received 1st and 6th November 2018, 17th and 18th December 2018 and 3rd April 2019) (ref. 18/02722/FP). This relates to allocated housing site CD5 in the Local Plan. This application was referred to Planning Committee in March 2021 with an officer recommendation for approval. The application was refused by Planning Committee. The applicant submitted an appeal to the Planning Inspectorate against the Council's decision. The application was allowed at appeal. The Heath Lane appeal decision granted planning permission for 167 dwellings on the judgement that very special circumstances apply. This appeal will be referred to throughout the report as the "Heath Lane appeal". The Inspector's assessment of the Heath Lane site is of relevance to the assessment of this current application. It is the officer's view that the Heath Lane appeal decision, by enabling the expansion of the school, has "unlocked" the other sites in Codicote, which are proposed housing allocations in the Emerging Local Plan.

- 4.1.3 Another relevant recent application is Land adjacent to Oaklea and South of Cowards Lane Codicote (17/01464/1). This related to allocated housing site CD1 in the Local Plan. Outline planning permission was granted on 3rd November 2022 (following a resolution to grant at Planning Committee on 15th September 2022 subject to completion of the S106 Agreement) for a residential development for up to 83 dwellings (all matters reserved except access) (as amended). This application will be referred to throughout the report as the "Cowards Lane application".

Policy background and the principle of development

- 4.1.4 When the application was submitted the site lay outside of the village boundary and was located within the Green Belt. However, most of the site is now an allocated housing site in the Local Plan, which was adopted on 8th November 2022. As can be seen from the plans the red line of the application site extends beyond the new settlement boundary and into the Green Belt. The SUDS feature is made up of a large and a small attenuation basin (and is referred to in this report as "the attenuation basin") would be located within this area. This is discussed in more detail below.

- 4.1.5 There is no objection in principle to the proposed housing development, as it is within an allocated site in the recently adopted Local Plan. The Council's new Local Plan (North Hertfordshire District Local Plan 2011 – 2031) was adopted on 8th November 2022 and is considered 'up-to-date' for the purposes of national policy. The NPPF advises that decision makers should approve development proposals that accord with an up-to-date development plan without delay. The planning acts say that proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan constitutes the adopted Local Plan, any 'made' neighbourhood plans and the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012.

- 4.1.6 With regards to the proposed attenuation basin, this area is within the Green Belt. Therefore, Policy SP5: Countryside and Green Belt of the Local Plan applies to this element of the scheme, which states the following:

"We support the principles of the Green Belt and recognise the intrinsic value of the countryside. Green Belt and Rural Areas Beyond the Green Belt are shown on the Policies Map. We:

a. Have conducted a comprehensive review of the Green Belt. Land has been removed from the Green Belt to:

i. Enable strategic development at the locations referred to in Policies SP8 and SP3;

ii. Enable local development in the number of the District's towns and

villages; and

iii. Define boundaries for villages referred to in Policy SP2 which fall within the Green Belt but were previously ‘washed over’ by this designation;

b. Have provided new Green Belt to cover, in general terms, the area bounded by the Metropolitan Green Belt to the east, the Luton Green Belt to the west and the A505 Offley bypass to the north;

c. Will only permit development proposals in the Green Belt where they would not result in inappropriate development or where very special circumstances have been demonstrated; and

d. Will operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of our detailed policies.”

- 4.1.7 Local Plan Policy SP5 is consistent with the approach to Green Belt development in National Policy contained in Section 13 of the NPPF. Paragraph 137 of the NPPF states:

“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open”.

- 4.1.8 Paragraphs 149 and 150 of the NPPF set out the exceptions of appropriate development in the Green Belt. Paragraph 150 states:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:...b) engineering operations;”

- 4.1.9 Paragraph 138 reads as follows:

“Green Belt serves five purposes:

a) to check the unrestricted sprawl of large built-up areas;

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment;

d) to preserve the setting and special character of historic towns; and

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

- 4.1.10 A detailed Northern Open Space Planting Plan, including the attenuation basin, has been submitted which demonstrates how they would be softened by landscaping. The applicant has provided justification for the attenuation basin outside of the site. They explained that the site does not have access to a surface water outfall by way of an existing sewer or ditch. If it is to be developed, then the only feasible outfall is by deep bore soakaway. The achievable discharge rate, via deep bore, is quite low and therefore a large area of surface storage is required to capture surface water before it can be discharged to multiple soakaways.

- 4.1.11 They comment that the preference is to provide ‘green’ SUDS features and that results in a very substantial basin, of reasonable depth and the deep bore soakaways must be located in proximity to but not within the basin and no closer than 20m to any building. They comment that the basin is too deep to offer dual use and therefore to deliver the necessary SUDs and POS within the allocated site boundary would not make the most efficient use of the site.

- 4.1.12 They maintain that the excavation of a basin within the Green Belt is an engineering operation and does not therefore represent inappropriate development (Fayrewood Fish farms Ltd v Secretary of State for the Environment and Hampshire County Council [1984] JPL 267).

- 4.1.13 They maintain that the attenuation basin is not a feature of the proposed development and the basin would have no impact upon the openness or purposes for including land within the Green Belt. Moreover, the presence of the basin would assist in creating a defined and enduring boundary to the built edge of the proposed development.
- 4.1.14 They explain that the basin would be dry for the majority of the year, save for the easternmost section which has been designed to hold some water to provide bio-diversity net gain enhancements. The fact that biodiversity net gain can be achieved on-site in this case is a linked benefit of providing the basin as proposed.
- 4.1.15 The officer view accords with that of the applicant in that the proposed attenuation basin constitutes an engineering operation that preserves the openness of the Green Belt and does not conflict with the purposes of the Green Belt.
- 4.1.16 Having said this it is not ideal that the attenuation basin is sited outside the red line of the application site. As discussed later in this report it would have been preferable if the development had been designed around the SUDS features. However, it is considered that on balance this is not a sustainable reason to refuse planning permission.

The delivery of market and affordable housing

Five year land supply

- 4.1.17 The site forms part of the five-year supply considered and found sound by the Planning Inquiry Inspector and making timely decisions helps mitigate risk that Council may not be able to demonstrate five-year supply / sufficient housing delivery at some point in the future.

Housing numbers

- 4.1.18 The proposed development would provide a total of 66 residential units, which represents an 'up-lift' to the emerging allocation figure of approximately 22% and is therefore broadly in accordance with the indicative figure of 54 homes as outlined under Policies HS1 and CD2 of the Local Plan. The Plan states there will be a design-led approach to development. No prescriptive density targets are set. If this scheme is considered acceptable in all other respects, it is not considered appropriate to object on this point. Any additional homes over and above the Plan estimate will help boost overall housing supply.

Housing mix

- 4.1.19 During the course of the application the mix of dwellings has been amended to provide a greater proportion of smaller dwellings and commensurably lesser proportion of larger dwellings. Overall, the dwelling mix would include 33% smaller units (22 dwellings) and 66% larger units (44 dwellings) which adequately complies with the requirements of Policy HS3 ('Housing Mix') of the Local Plan, which suggests a split of 40% smaller units and 60% larger units on edge-of-settlement sites.

Affordable Housing

- 4.1.20 There is also a pressing need for affordable housing and Policy HS2 of the Local Plan requires 40% affordable housing on sites over 25 units to address that need. The proposal would deliver 66 dwellings, 40% of which would be affordable. This would provide 65% rented tenure and 35% intermediate tenure and at a mix that meets the requirements of Local Plan Policy HS3 including the housing need identified in the Strategic Housing Market Assessment.

- 4.1.21 The proposed development would also be in accordance with Policy HS2: 'Affordable housing' of the Local Plan as 40% of the proposed development would comprise affordable units, which equates to a total of 26 units (39%). This is to be secured as part of the s106 legal agreement.
- 4.1.22 The last 'rural housing Needs Survey' in Codicote was undertaken in 2007 and is therefore considered out of date. However, it is understood that there has been no provision of affordable units within the village since the survey and therefore no provision for over 15 years (notwithstanding the Heath Lane and Cowards Lane permissions).

First Homes

- 4.1.23 The Government announced last year a new affordable housing product called 'First Homes'. These are discounted market sale housing. Under transitional arrangements, once the Council has an up to date adopted Local Plan, there is not an automatic need to reflect the requirement for First Homes when considering planning applications. The Council do not have an evidence base to demonstrate that we need First Homes.

Conclusion on Market and Affordable Housing

- 4.1.24 The site on which the housing is proposed is a housing allocation in the Local Plan. The scheme would provide 40% affordable housing in line with Local Plan Policy HS2. The housing numbers and housing mix in terms of smaller and larger units would be acceptable and broadly in accordance with Local Plan Policies HS1, HS3 and CD2.

Impact on heritage assets

- 4.1.25 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard must be given by the decision maker to the desirability of preserving or enhancing listed buildings and their setting. Paragraph 194 of the NPPF requires that:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance."

- 4.1.26 This is supported by Paragraph 195 which requires that:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)."

- 4.1.27 Policy SP13: Historic Environment of the Local Plan states that:

"The Council will balance the need for growth with the proper protection and enhancement of the historic environment".

- 4.1.28 Under Policy CD2 of the Local Plan, which sets out the site-specific criteria, a requirement states:

"Sensitive design taking opportunities to enhance setting of Grade II* Listed Church of St Giles;"

- 4.1.29 At the pre-application stage the matter was discussed with the Conservation Officer. The Conservation Officer observed that the relationship between the application site and church is partly interrupted, and the relationship could be said to be a rather tenuous one at best.

- 4.1.30 The applicant has submitted a Heritage Statement during the course of the application, which reached the following conclusions:

“5.3 The proposed development will have a remote and largely abstract effect on the setting of the grade II* listed Church of St Giles, separated from it by evergreen boundary planting, a metal fence, a water tower, the John Clements Sports and Community Centre, allotments, a community orchard, and other tree cover. There will be no harm to the significance of the listed building.”

- 4.1.31 As such the officer view is that given that the relationship between the application site and the church is partly interrupted by modern housing, landscaping and the water tower, that the opportunities for the proposed development to enhance the setting of the Church are limited. In any case, the proposal would not harm the setting of the Listed St Giles Church. As such it is considered that a pragmatic approach should be adopted, and it is considered that the relevant site-specific policy criteria is broadly satisfied.
- 4.1.32 The Conservation Area is to the south of the site. The northern boundary of the Conservation Area is just to the south of the entrance to Tower Road from the B656. There are Listed Buildings in the High Street, but they are some distance from the site, and it is considered that the proposed development would not have an adverse impact on the setting of the nearby Conservation Area or Listed Buildings.

Impact on the character and appearance of the area

Design, layout and landscaping

- 4.1.33 Codicote is a medium sized rural village with a historic core along the central High Street. The village has expanded outwards over the past century, particularly to the east and north-east of the High Street. As set out above, the application site is located to the north of the village of Codicote. The site was previously the location of the Wyevale Codicote Garden Centre. The site has now been cleared of buildings/structures and is overgrown. The impacts of the proposed development on the wider, surrounding landscape are considered below. However, by virtue of housing development on this edge of village, vacant site, there would be a visual impact on the character and rural setting of the existing village. However, the proposed development is on previously developed land and would read against the existing residential development adjacent to it to the south.

Paragraph 130 of the NPPF states:

- 4.1.34

“Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users;

and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels."

Local Plan Policy SP9: Design and Sustainability States that:

- 4.1.35 **"The Council considers good design to be a key aspect of sustainable development. We will...support new development where it is well designed and located and responds positively to its local context".**
- 4.1.36 The site is below the threshold set out in this policy (100 dwellings) that requires a Strategic Masterplan. The site is also below the threshold (100 dwellings) set out in the Council's Design Review Protocol (June 2022) that requires Design Review. However, paragraph 1.2 of the Design Review Protocol states that: **"We also recommend design review for schemes between 50-100 where appropriate and deemed necessary [Footnote: E.g. where design issues are unresolved.]"** This is the reason why this proposal has been subject to Design Review.
- 4.1.37 Policy D1: Sustainable Design of the ELP states that Planning permission will be granted provided that development proposals **"(a) respond positively to the site's local context"**.
- 4.1.38 During the course of this application there have been negotiations in relation to the design and layout of the scheme. The scheme was subject to Design Review and Design South East produced a report dated 2nd December 2020, which can be viewed in full on the Council's website. The summary of this report, including the key recommendations are copied below:

"Summary

The development of this site could offer a very positive opportunity for Codicote and redefine its northern edge, marking a new gateway into the village with a high-quality development that responds to the landscape and streetscape character of its surrounding context.

However, we consider that there is considerable work to be done to develop a proposal that is more contextually responsive to this edge-of-village location. This means reviewing and recalibrating the fundamental design principles through a deeper understanding of the landscape character of the Green Belt, the history of the settlement and its evolution over time, and of the site's wider context. This will be important to maximise the value of this development, where an exceptional contemporary scheme with a stronger

character and identity could be a unique selling point for this new edge-of-village neighbourhood.

Key recommendations

1. Analyse the character of the Green Belt landscape as the starting point for a development that is more responsive to the landscape setting in order that the character and identity of the development emerge from a landscape-led approach, using the LVIA to shape the development of the masterplan.

2. Study the growth of the settlement of Codicote over time and introduce more variety and individuality to the architecture to avoid monotony, to enhance the streetscape and ensure that buildings are well-integrated with their gardens.

3. Reconsider the parking strategy and street layout to explore how a more informal layout of lanes with shared surfaces and an alternative configuration of built forms could enhance the quality and character of this development.

4. Consider the functionality of the open green spaces, including the SuDS feature, and use these to create an open space framework that supports and encourages social interaction.

5. Produce section drawings to demonstrate how the design is achieving the appropriate relationships between elements for their use and function, including boundaries, open spaces and street sections.

6. Explore opportunities to increase connectivity and permeability to avoid an insular development and support active lifestyles.”

- 4.1.39 Prior to and following the publication of this Design Review report there have been several rounds of negotiations and there have been numerous amended plans. The amended Design and Access Statement includes a contextual appraisal and the scheme has been assessed against the Building for a Healthy Life checklist.

Layout

- 4.1.40 Overall, the amended layout is considered to be acceptable and the changes to the layout have improved the scheme. The reduction in unit numbers is welcomed, as it allows for better design of the site. The dominance of cars has been reduced by using parking courts behind the building frontage for the majority of the dwellings. It is welcomed that the development fronts outwards along the northern, western and most of the eastern boundaries. The north, west and east boundaries have landscaped edges and the fact that the open space has been relocated to a more central position on the site represents a significant improvement to the scheme. The road layout is more informal than it was previously, and road widths are more varied. A central tree-lined road running north to south is proposed leading from the countryside to the central green. The main access street taken from the High Street ends at the Central Green and the rest of the roads would be shared surface.

Pedestrian and cycle links

- 4.1.41 A pedestrian link is proposed at the northern end of the eastern boundary to the playground and playing fields. This access would benefit from natural surveillance as several houses would face the existing playground. A further pedestrian link is proposed at the southern end of the eastern boundary to the rear of the John Clement Sports and Community Centre, between the tennis courts and scout hut. The proposal would also involve the extension of the High Street footway along the site's frontage, linking with the existing permissive footpath to the north-west, which would also link directly into the site. The plans indicate that would be a pedestrian access to the community orchard on the land to the north within the ownership of the applicant.

4.1.42 It is noted that the access in the south-east corner of the site would not benefit from much natural surveillance. Therefore, a condition has been recommended that requires submission of a lighting scheme for the development, including for the pedestrian accesses on the eastern boundary.

4.1.43 During the Public Inquiry on the Local Plan main modification MM225/FM121 added the following policy requirement as a site-specific criteria for CD2:

"Access through site to adjoining sports field and community centre;"

4.1.44 The importance of this is reinforced by Paragraph 289 of the Inspector's Final Report which states:

"Site CD2 is adjacent to a sports field and community centre. Providing access to them through the site could help to facilitate shorter and more direct journeys that would otherwise involve travelling through the northern part of the village. Main modification MM225/FM121 adds this as a policy requirement and is necessary for effectiveness."

4.1.45 As set out above the Parish Council had raised objections to the proposed pedestrian accesses on the eastern boundary. Following discussions with the Parish Council in June/July 2022 we understood that the Parish Council were going to review their position with regards to pedestrian access to the playing fields and s106 contributions. Unfortunately, they did not discuss this until their Parish Council meeting on 8th November 2022 and it would not have been reasonable to delay the progress of the application whilst waiting for a response from the Parish Council. They provided the update set out above on 11th November 2022. In essence they have agreed to allow Taylor Wimpey access via one pedestrianised walkway to the John Clements sports field, but only under strict conditions and they have said that the offer to upgrade the play area referred to previously has been noted by Parish Council; but is not of interest at this stage.

4.1.46 Officers are of the view that the proposed accesses on the eastern boundary are positive in planning and design terms as they increase the permeability of the site and allow access to the playground and other community facilities. Both accesses remain on the plans, so the gate to the southern access on the eastern boundary would have to remain locked unless the Parish Council were to allow access in future. This is unfortunate, but at least allows the opportunity for increased permeability in the future, should the Parish Council allow access at a later date. It is noted that the site- specific criteria just requires access and does not specify there has to be more than one.

4.1.47 Residents from the proposed development could walk to the playground via Tower Road. The applicant has submitted a plan to demonstrate this walking route. As such, if pedestrian access to the adjacent playground is not secured then this would not be a sustainable reason to withhold planning permission. However, officers are of the view that it would be a missed opportunity for new residents of the proposed development and existing residents in the northern part of Codicote, as is the fact that that the Parish Council do not wish to accept the offer to upgrade the play area at this stage. Therefore, the play space enhancement would still be secured by the s106 Agreement. If the developer is unable to obtain consent for the construction of the Play Space Enhancement (which at the moment, would appear to be likely to be the case), then they would need to provide the Play Space Contribution towards the improvement of the existing play space at John Clements Sports and Community Centre, which would be passed to the Parish Council. As is the case with all planning contributions, if this was not spent within ten years then the money would be returned to the developer.

Parking courts

- 4.1.48 The Crime Prevention Design Advisor, Hertfordshire Constabulary, raised substantive concerns with the proposed parking facilities. He commented that the use of rear parking courts is generally discouraged as they can become crime generators and encourage anti-social behaviour. He note that the proposed parking courts are larger than recommended in 'Building for Life' and they would have poor natural surveillance, as they are not overlooked by many 'Active' rooms. He commented that by using these larger parking courts this is liable to result in the street scene being more cluttered as drivers will tend to park their vehicles outside their houses so they can keep an eye on them. The applicant provided written justification for the parking courts and explained how the proposals have been developed to minimise the risks of crime and anti-social behaviour.
- 4.1.49 In this instance, parking courts were considered to be an appropriate design solution and were encouraged by officers. The Design South East report made the following comments on this issue:

“An alternative parking strategy to reduce the car as a first choice should be explored, for example by having mews parking or parking courts rather than parking adjacent to the dwellings. There are many precedents of high-quality developments where such strategies have successfully reduced the dominance of car parking and created high-quality living environments. Not only does this encourage behaviour change but also it contributes to character and identity, for example by enabling more continuous building frontages of the sort seen in Codicote village.”

- 4.1.50 On balance it is considered that the introduction of parking courts is acceptable (even though they serve more than five houses) and indeed is welcomed in this instance, as it reduces the dominance of car parking and improves the streetscene environment.

Density

- 4.1.51 A plan within the Design, Access and Landscape Statement indicates that the lower density development is predominantly around the perimeter of the site (particularly the northern and eastern edges), with the higher density development focused in the central and southern areas of the site, which is appropriate for this sensitive edge of village location. The Design, Access and Landscape Statement states that overall the development is 33 dph (net), which is considered acceptable in this location.

Building heights

- 4.1.52 It is welcomed that the apartment building has been reduced in height from 3 storeys to 2.5 storeys and that development closest to the northern boundary has largely been limited to 2 storeys with 2.5 storey development set back. The properties in Tower Road to the south are 1.5 and 2 storey dwellings. It is considered that the inclusion of some 2.5 storey development would be acceptable and would not be a sustainable reason for refusal.

Appearance

- 4.1.53 The Design and Access Statement claims that: ***“The proposals are generally influenced by examples of late nineteenth century found in Codicote’s periphery”*** and that ***“The proposed aesthetic is a traditional vernacular style influenced by examples of mid to late 19th century houses and cottages which can be found in Codicote.”*** The architectural design has been amended to add more interest. The design of the corner buildings has been improved. There was no requirement for the scheme to be traditional in style. Indeed, the

Design South East report commented that an exemplar contemporary scheme with a stronger character and identity could be a unique selling point for this new edge-of-village neighbourhood. However, there is no policy requirement for this to be a contemporary scheme and as such the design approach adopted would be acceptable. A relatively simple palette of materials would be used – red and red-brown brick and tile and limited use of render (amended from painted brick) and weatherboarding to add variety. Use of a small palette of materials is welcomed as it tends to reinforce the character of a development. The materials would be secured by condition requiring samples/details to be submitted and approved in writing by the Local Planning Authority.

- 4.1.54 An electricity substation is shown on the site layout plan, but no detailed plans have been provided. As such a condition is recommended requiring full external details of the building, and of associated enclosures and works, to be submitted to and be approved in writing by the Local Planning Authority. The Design, Access and Landscape Statement states that garden sheds would be provided in the rear gardens of houses without garages and would be sized to accommodate the required cycle and bin storage as necessary, which is welcomed. These are not shown on the plans and therefore a condition is recommended that details of the location and elevation and floor plans of these sheds are submitted and approved by the Local Planning Authority. Given the sensitive location of the site and generous permitted development rights a condition is recommended removing 'permitted development' rights for classes A, B, C, and E (excluding the proposed sheds).

Living conditions

- 4.1.55 The applicant has confirmed that the dwellings meet the nationally described space standards and has produced a table demonstrating this and have confirmed that all house types can achieve the optional reduced consumption rate of 110l/s per person per day, and as such would comply with Local Plan Policy D1: Sustainable Design. The houses have private gardens. It is noted that gardens are generally 75 square metres minimum, with the exception being some 2 bed terraced houses. The 75 metre square standard was within the 1996 Local Plan and has not been replaced in the new Local Plan, as is generous compared to modern housing standards. The apartments would have a communal garden. It is considered that the private amenity space would be sufficient, particularly given the proximity to the existing playground, playing fields and the open countryside.
- 4.1.56 The application site is only bounded by residential development on the south side of the site. Along the southern boundary of the proposed development the house on plot 41 fronts the High Street with a garage to the south and then there would be a row of eleven properties the rear gardens of which back onto the southern boundary. The closest property to the application site is no. 9 High Street. Following officer's request, the proposed garage on plot 41 has been rotated ninety degrees so that the gable end would face the High Street rather than the neighbouring property to reduce the built impact on no. 9 High Street. No. 9 High Street have windows in the side elevation of the house facing the application site. However, it is the flank elevation of no. 9 High Street, which faces the proposed development, and it is considered that the proposed buildings would not be unduly dominant in the outlook they currently enjoy. In addition to the house on plot 41 there would be five further dwellings backing onto the property, 9 High Street, mostly the rear garden of this property. This would result in some overlooking of this property and a sense of enclosure to some extent. The officers had some concern with regards to overlooking of this property and following negotiations the revised landscaping plan has introduced small tree planting along the rear boundaries with plots 36-40, combined with a 1.8m high fence with trellis on top. This would be secured by a recommended condition, requesting details to be submitted, approved and implemented on site. Given this proposed mitigation, that the properties have a rear to side relationship and

the shallowest garden would be approximately 10m in depth it is considered that the proposed development would not result in a material loss of privacy to no. 9 High Street such as to withhold planning permission.

- 4.1.57 A row of houses would back onto the rear gardens of properties in Tower Road. At their closest point the back-to-back distances would be over 20m and many of the back-to-back distances would be over 30m. There is also existing vegetation screening some of this boundary and some additional tree planting is proposed. As such it is considered that the proposed houses would not result in a material loss of privacy to the neighbouring properties in Tower Road or be unduly dominant in the outlook they currently enjoy. It is noted that the three properties in the south-east corner of the site would be 2.5-storeys in height; but given their distance from the properties in Tower Road to the rear it is not considered that they would be unduly dominant in the outlook they currently enjoy or result in a material loss of privacy to these neighbouring properties. These houses would have dormer windows in the front roof slopes, but not in the rear, which would limit overlooking.
- 4.1.58 In conclusion, it is considered that the proposed development would not cause unacceptable harm to living conditions of the occupiers of neighbouring properties or the occupiers of the new properties. As such the proposed development would comply with Local Plan Policy D3: Protecting Living Conditions.

Open space standards

- 4.1.59 With regards to open space standards, it was agreed at Cabinet in July 2021 that pending the updated Green Space Strategy and revised programme of Supplementary Planning Documents, Fields in Trust standards be used to assess open space provision residential development. The applicant has confirmed in writing that the scheme provides 0.54ha of open space (20% of the overall scheme area) including a 0.01ha Local Area for Play (LAP) on the central green and a trim trail along the eastern landscaped edge of the site. This is acknowledged to be a 0.03ha shortfall compared with the latest Fields in Trust guidance, which sets a requirement for 0.57ha of open space inclusive of 0.04ha children's play. It is considered that this shortfall and the provision of open space on the site would be acceptable, given that the site is adjacent to playing fields with Locally Equipped Area for Play (LEAP) and close to the existing allotments. It is acknowledged that on a site of this size that playing pitches, MGDAs/skateboard parks and allotments cannot realistically be provided. However, planning contributions have been agreed towards refurbishment of Bury Lane Sports Pavilion. According to the Fields in Trust standards a LEAP should be provide on this site. However, in this case the proposal is for the existing LEAP adjacent to the site to be refurbished and enhanced in lieu of a LEAP being provided on site, which is considered an acceptable. This is discussed in the Planning Obligations section below.

Landscaping

- 4.1.60 The site was previously used for a garden centre with associated buildings, hardstanding and landscaping. The buildings have been demolished and it is considered that the site does not make a significant contribution to the wider countryside in landscape terms. However, development on this site needs to be carefully landscaped given its sensitive edge of village location, as it will be a gateway development to the village of Codicote.
- 4.1.61 Following negotiations, the landscaping scheme has been amended during the course of the application. It is disappointing that the attenuation basin remains outside of the allocation site and would be located in the Green Belt to the north. As set out in the Design South East Report, it would have been preferable if the SUDS features could have been an integral part of the design of the scheme. However, the landscaped green edge has been widened and wrapped around the

north, west and eastern frontages, as part of a pedestrian link, including swales and filtration features. At the request of the case officer a Northern Open Space Planting Plan and a drainage construction details drawing (section drawing of the basin) were submitted and received. The proposed attenuation area and balancing pond are proposed within the north-western corner of the site and would include the creation of areas of wildflower meadow and wet grassland and there will be native structural tree and shrub planting along the northern boundary. It is understood that the basin would be dry for the majority of the year, save for the easternmost section which has been designed to hold some water to provide bio-diversity net gain enhancements. The drainage construction details technical drawing is for information only and does not include details of both the large basin and small basin (pond), therefore a condition is recommended to require full details of both basins. This area is on a lower level than the B656. Therefore, based on the information submitted it is considered that the proposal would be acceptable, and the attenuation basin area would not have an adverse impact on the openness of the Green Belt. The fact the attenuation basin has not been included within the housing allocation site is not a sustainable reason to withhold planning permission in the officer's view.

- 4.1.62 There is an existing community orchard to the north of the application site within the ownership of the applicant. The Design, Access and Landscape Statement sets out plans to retain and enhance this orchard.

- 4.1.63 Main modification MM225/FM121 added the following site-specific criteria for this allocated site CD2 and it reads as follows: ***“Retain and strengthen existing boundary hedgerows.”*** Indeed, Paragraph 283 on the Inspector's Report states: ***“Notwithstanding that, the site is reasonably well contained by hedgerows. This will help to reduce the adverse Green Belt impacts. To ensure that outcome, Policy CD2 should require that the hedgerows to be retained and strengthened. Main modification MM225/FM121 adds such a requirement accordingly and is necessary for effectiveness.”***

- 4.1.64 The plans (including the tree protection plan in the Arboricultural Impact Assessment) indicate that all of the trees (predominantly Poplar trees) and shrubs would be removed along the northern boundary, as they are not of sufficient quality to be retained. The applicants have provided justification for this. The Tree Survey identifies that all trees within this tree belt are either category U or category C trees and their structural position are all categorised as 'poor', as a result they have been recommended for removal and replacement. Taylor Wimpey's Arboriculturist has visited the site to review the trees in question but has arrived at the same conclusion.

- 4.1.65 An updated Arboricultural Impact Assessment was submitted to provide greater justification for the removal of this declining tree belt. The applicant maintains that retention of this collection would go against British Standard guidance and it would be a missed opportunity if they were not replaced with trees of improved outlook that offer greater benefits to the ecosystem and biodiversity, as well as visual amenity.

- 4.1.66 It is a shame in the short term for the existing trees and shrubs, in particular the Poplar trees, to be removed. However, in visual terms it may well be better that this boundary is carefully landscaped with replacement structural tree and shrub planting that has longevity. The proposed development would be highly visible from the north in the short term, but its impact would be softened over time as the proposed landscaping matures. The fact that a solid tree belt is not being proposed is welcomed as it would allow glimpses of the development from public views when approaching the village. The recommended landscaping condition sets out a requirement for a detailed planting specification schedule for the area on the Northern Open Space Planting Plan including the attenuation basin and northern boundary of the housing site (including sizes, numbers/densities, species, maturity and location of trees/shrubs/plants and sufficient specification to

ensure successful establishment and survival of new planting).

- 4.1.67 Following negotiations, the revised Landscape Strategy Plan shows the replacement of the Leylandii/Cypress belt along the eastern boundary. A native species replacement is proposed that predominately includes Hornbeam and Field Maple. This amendment is welcomed, as the Leylandii belt does not contribute to the character of the area and would have been overbearing on the outlook of the proposed house on plot on no. 64. Indeed, the Parish Council recommended the removal and replacement of this row of Leylandii trees.
- 4.1.68 The Landscape Strategy Plan shows a green buffer along the High Street. It states that the existing vegetation structure along the High Street is to be retained where possible and reinforced with native structural planting.
- 4.1.69 The proposed housing has been reconfigured to offset rear facades from the existing trees at 9-11 Tower Road, improving outlook and garden sizes in order to safeguard the longevity of existing trees. A garage has also been omitted, moving built form away from the existing trees.
- 4.1.70 The Landscape Strategy within the site would appear to be acceptable and this would be secured by condition in any case. The design of the proposed Local Green, Local Area for Play and natural and woodland themed trim trail along the eastern boundary would be acceptable. They would benefit from natural surveillance from surrounding properties. The central street running north to south would be tree-lined, which complies with Paragraph 131 of the NPPF. Site sections were requested and provided, which indicate that there is room for street trees.
- 4.1.71 An Arboricultural Impact Assessment has been submitted, which includes a Tree Protection Plan, which indicates the trees to be retained and the trees to be removed. A condition has been recommended requiring that an Arboricultural Method Statement alongside detailed planting proposals shall be submitted and approved in writing by the Local Planning Authority. This condition also includes standard tree protection measures.
- 4.1.72 The comments from the Parish Council with regards to trees (set out above) are noted. The application can only be considered in relation to the site as it is. The Tree Protection Plan submitted with the application indicates that the trees with higher amenity value along the High Street, on the southern boundary and adjacent to the playground are to be retained. The Leylandii around the water tower is outside of the site. The comments from the Parish Council with regards to the land to the north are noted, however it is not considered that it would be reasonable to request the applicant to landscape this area as well (other than to achieve Biodiversity Net Gain). A boundary treatment plan has been submitted which indicates a mix of boundary treatments would be used within the development, including brick walls, metal railings, knee rails/post and chain fencing and hedgerow/planting. The close boarded fencing would largely be used to demarcate rear gardens, which would be required for privacy.

Summary of impact and character and appearance of the area

- 4.1.73 Officers are of the view that the current scheme is much improved in terms of design, and it is considered that there would not be any sustainable reasons to withhold planning permission on design grounds.

Impact on the wider landscape setting

- 4.1.74 With regards to landscape and wider visual impacts the application site is bounded to the west by the B656 and on the opposite side of the road there is a deciduous woodland with agricultural land to the north west. The north of the site is bounded by vacant agricultural land with saplings of a recently planted community orchard. The site is bounded by residential development to the south. Immediately to the east of the site is the John Clements' Sports and Community Centre, tennis courts, playing fields, playground and scout hut. Overall, the site is partially enclosed by vegetation. The centre of the site is largely clear of vegetation. The site is fairly level, but the ground level falls slightly from west to east.
- 4.1.75 The North Herts Landscape Study was a background paper supporting the Local Plan. The site falls within Landscape Character Area 205 (Codicote Plateau). It concludes that: ***"Overall Codicote Plateau is considered to be of moderate landscape value."***
- 4.1.76 A Landscape and Visual Impact Assessment accompanies the application, which assesses the landscape setting and views, the effect of the proposed development on the landscape, and visual effects. The LVIA states in its summary:

"In terms of the effect of the proposals upon the receiving landscape character, it is acknowledged that there will be a degree of change as a result of the proposals in terms of the effect upon the character of the site. However, the setting of the site is characterised by the existing settlement edge as well as the presence of established hedgerows, blocks woodland and mature treebelts, and as such the perceived change will be highly localised. It is acknowledged that the proposals will represent a degree of change within the context of the site itself, however, this effect diminishes outside of the site as a result of the existing and proposed vegetation structure. It is considered that the proposals will not give rise to any significant adverse effects to the landscape character of the wider Chilterns NCA, Codicote Plateau LCA or landscape setting of Codicote."

In terms of the effect of the proposals upon the receiving visual environment, it is considered that views of the proposals will be highly localised to the immediate setting of High Street to the west and the public footpaths Codicote 009 and 039 which run respectively to the north-east and north-west of the site. The proposals incorporate generous landscaped buffers to the site boundaries and will also retain and reinforce the existing vegetated boundaries. As these features mature, the proposals will be further integrated into the receiving visual environment. Where visible the proposals are seen within the context of the existing settlement edge and will not introduce any new or alien components into the context of the localised or wider views. As illustrated by the representative views, the tower of the Church of St Giles is not prominent within the context of views of the site. It is considered that the proposals can be integrated without harm to the landscape setting and visual environment in which the listed church is set. As such, it is considered that the proposals can be integrated without significant harm to the visual amenities of the localised or wider setting."

- 4.1.77 The proposed development would be most visible from immediate views from the B656 to the west and from higher ground to the north and north-west. In particular from the permissive footpath to the north-west, which leads to public right of way (footpath 39) and from the farm access road to the north and north-east of the site, which connects the B656 to public right of way (footpath 9). The proposed development would be highly visible from the playing fields adjacent to the site. From views from the south the site would be largely

screened by or viewed in the context of existing residential development in Tower Road.

- 4.1.78 The LVIA was amended and a number of illustrative wireframe visualisations have been prepared, as requested by officers. These include viewpoints from the north, north-east and north-west of the site. It is considered that the information submitted is sufficient to assess the application. The illustrative wireframe visualisations show the existing vegetation, some of which would be removed, therefore the proposed development would be more visible from these view points than indicated. However, whilst the development would be highly visible from the north, north west and north east, these views would be fairly localised, the scheme would still read against the existing built development of Codicote. Also, the scheme has been designed in such a way that whilst the northern boundary would be landscaped, there would be intentional gaps in the vegetation to allow glimpses of the development, which would face outwards towards the countryside, rather than landscaped in such a way to completely screen the development.
- 4.1.79 The Planning Inspector made the following comments in his Final Report. Paragraph 282 reads as follows:

“282. Site CD2 is at the northern end of Codicote and is expected to deliver around 54 homes. It was previously occupied by Wyevale Garden Centre, and whilst that appears to have now been demolished the site is previously developed land. Although not a large site, new housing here would form a relatively isolated protrusion northwards from the built edge of the village. I consequently agree with the Green Belt Review Update that moderate harm to Green Belt would be caused.”

Summary of impact on wider landscape and visual setting

- 4.1.80 It is the officer's view that the provision of 66 dwellings on this site would, inevitably, result in a significant change to the character of the site, impacting on the wider landscape. However, this is brownfield and previously developed land as was formerly a garden centre and has limited landscape value in its own right. The landscaping proposed as part of the scheme would go some way to mitigate the impact of the proposed development on the wider setting. Once the landscaping has matured, it will strengthen existing boundaries and the development would be partially screened from the wider landscape from longer views and would fit more comfortably within its setting. Also, the application site is closely associated with Codicote and much of the site would be set against the back drop of the existing built development on the edge of the village. The proposed development would be seen in the context of the existing settlement edge of Codicote.

Impacts on the local highway network, access and parking

- 4.1.81 The site has an existing access onto the B656. This access would be modified and relocated further south to provide the access for the site. The Highways Authority have been consulted on the application and does not wish to restrict the grant of permission subject to conditions and informatives. The Highways Authority provided amended comments following re-consultation and these included amended conditions and s106 contributions.

Access

- 4.1.82 The application site can be accessed via an existing priority give way junction off High Street. The developer has proposed to modify the access arrangement by increasing radius and providing 2m wide footway in both sides as shown on the drawing within the Transport Statement. The Highways Authority have confirmed that the proposal is supported by a road safety Audit and is deemed acceptable

in highway terms. The Highway Authority considers that these works would need to be delivered out under a section 278 agreement with HCC before first occupation of the development and should be secured via condition. The Highways Authority comment that the site layout indicates that emergency access will be provided to all parts of the site, and they are of the view that internal minor access roads within the development would also be able to accommodate emergency vehicles.

- 4.1.83 The issue of highway capacity is of great concern to many local residents and this issue has been raised in many (if not most) of the objections received on this proposal. It is acknowledged that there are issues of congestion through Codicote and particularly along the B656 High Street. Typically, congestion is understood to be particularly bad during peak rush hours times in the morning and the evening, when people are travelling to work and during school drop-off and pick-up. This can be worsened if there is an accident or traffic issues on the A1(M), as many road users choose to divert off the motorway and use the B656 as an alternative. The issue of highway safety is a matter that has been raised by many local residents; particularly in relation to the High Street, which is heavily parked, and access onto the B656.

- 4.1.84 Paragraph 108 of the NPPF states that:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

- 4.1.85 The NPPF also sets a high bar in terms of grounds to refuse an application on highway matters – paragraph 111 states that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 4.1.86 Policy T1: Assessment of Transport matters of the Local Plan states that:

“Planning permissions will be granted provided that a. development would not lead to highway safety problems or cause unacceptable impacts upon the highway network.”

- 4.1.87 During the course of this application, noting that it was originally submitted to the Council in 2019, various modifications have been put forward as part of the Local Plan. One such modification falls under the policy which allocates this site for housing (Policy CD1). This site specific criteria reads as follows:

“Transport Assessment to consider the cumulative impacts of sites CD1, CD2, CD3 and CD5 on the village centre and minor roads leading to/from Codicote and secure necessary mitigation or improvement measures.”

- 4.1.88 Paragraphs 287 and 288 of the Inspector’s Report read as follows:

287. The B656 runs through the village and incorporates the High Street. It links the A1(M) at Welwyn to the south and runs northwards on to Hitchin. It is a busy road, and some describe Codicote as a ‘rat run’ at peak times. I note that it is used by HGVs travelling to and/or from a quarry nearby. I have no doubt that the proposed allocations will add to traffic and congestion here.

288. However, the Council’s ‘Local Plan Model Testing Technical Note’ (September 2016) [T14] does not identify any particular junction problems in

the vicinity. This takes into account the cumulative effects of all the allocations proposed in this plan and known growth in other areas. At the strategic level, that is reassuring. However, I agree with the Council that the planning applications for each of the allocations should include transport assessments to consider the combined local impacts in greater depth and that any mitigation measures identified as a result should be secured. Main modifications MM224/FM120, MM225/FM121, MM226/FM122 and MM227/FM123 add these requirements to the policies, and MM233 adds further explanation and detail. All are needed for effectiveness.”

4.1.89 This planning application was submitted with a Transport Statement and in December 2021 the applicant submitted an amended Transport Statement. This Transport Statement concluded that the proposed development would not have a significant adverse effect on the operation of the highway networks in the vicinity of the site or on road safety and that the development proposals are reasonable and appropriate for the location and that there are no reasons why the development proposal should not be granted planning permission on traffic and transport grounds.

4.1.90 The Highways Authority were consulted on the application and the amended Transport Statement and raised no objections and recommended conditions. The Highways Authority have requested contributions (index linked) for sustainable transport and an enhanced bus service.

It does not appear that a Transport Assessment to consider the cumulative impacts of sites CD1, CD2, CD3 and CD5 on the village centre and minor roads leading to/from Codicote and secure necessary mitigation or improvement measures has been carried out as part of the amended Transport Statement. However, the Highways Officer refers to this Local Plan site specific criteria in their comments and in the absence of an objection from the Highways Authority impact on traffic would not be a sustainable reason to withhold planning permission.

4.1.91 In relation to the recent planning application at land at Cowards Lane (CD1) (17/01464/1) the Highways Officer made the following pertinent comments:

“Nevertheless, it should be stressed that we are no longer a capacity-based Highway Authority. New developments will inevitably bring increased traffic, but the firm focus now is on ensuring new developments provide excellent sustainable travel options and are accessible. The needs of pedestrians, cyclists, and public transport users must come first, with the needs of the private motorcar at the bottom of the user hierarchy (i.e. in the context of convenience, not of safety, which is always of utmost importance).”

4.1.92 As such it is considered that there are no sustainable reasons to withhold planning permission on the grounds of increased traffic.

4.1.93 The Highways Authority have raised no objections on Highways Safety grounds.

4.1.94 The site would also be within walking distance of a number of bus stops. The nearest bus stop served by routes 314 and 315 is located approximately 140m to the south of the site on the High Street. This would allow for sustainable modes of transport beyond Codicote, to wider range of services at nearby towns. The Highways Authority recommended a condition that before first occupation of the development, plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of upgrades to the two existing bus stops closest to the site along the B656 have been upgraded, to include raised Kassel kerbing and a pedestrian dropped kerb / tactile paved crossing point between them over the B656, widening the existing footways, and tactile paving over Tower Road. This is instead of the bus stops being secured by s106

Agreement to ensure they are provided prior to occupation. However, officers were concerned with regards to this condition recommended by the Highways Authority that require the submission of detailed drawings to the Local Planning Authority specifying details of off-site (outside the application red line) highway works. Following legal advice officers do not believe that this recommended condition is enforceable, and therefore does not meet the relevant tests set out in paragraph 55 of the NPPF. As such the Local Planning Authority have recommended a Grampian condition relating to off-site works (set out below), which has been worded to ensure that the developer delivers the off-site works prior to occupation. These off-site works would also be secured by a S278 Agreement and this is highlighted in a recommended informative. This is consistent with the approach taken on the recent application at Cowards Lane, Codicote (17/01464/1).

- 4.1.95 The proposed development would improve pedestrian and cycle access. There would be pedestrian access at the main vehicular access to the B656 connecting the development with the village of Codicote. A pedestrian access is proposed at the north-west corner of the site to connect to the permissive footpath the opposite side of the B656 which leads to public right of way (footpath 39). Two pedestrian accesses are proposed on the eastern boundary, which would connect the site to the existing playground and playing fields, John Clements Community Hall and Sports Centre, tennis courts and scout hut. The access to the north would be adjacent to the playground and the access to the south would be between the tennis courts and scout hut. Not only would these accesses allow pedestrian access for the residents of the new housing development to these community facilities, but they would improve pedestrian access to these facilities for the existing residents in the northern part of Codicote. As currently the facilities are accessed via a footpath off the eastern end of Tower Road or from Bury Lane. Although, it is acknowledged that the Parish Council have only agreed to allow one of these accesses. The Highways Authority recommended a condition to secure the two proposed pedestrian/cycle links on the eastern boundary. Given the recent comments from the Parish Council mentioned above the wording of this condition has been amended to require that at least one of the east/west pedestrian and cycle linkages as proposed shown on the drawing Ref-18 955-SK03, Rev-ZA shall be provided, and maintained. Codicote does not have any dedicated cycle lanes. However, the National Cycle Route 12 follows a north east/south west alignment along St Albans Road and Cowards Lane. Cyclists from the application site could access this cycle route by cycling south down the High Street to the southern edge of the village.

- 4.1.96 Codicote is considered a sustainable location for additional housing, as outlined under Local Plan Policies SP1: Sustainable development, SP2: Settlement hierarchy and SP8: Housing. However, it is acknowledged that residents will need to travel to nearby towns of Welwyn, Stevenage and Hitchin for a wider range of services. The existing bus services through Codicote to these towns is quite poor and infrequent. In order to seek to address and mitigate this matter, through s106 contributions this site would provide suitable financial contributions towards improvements to the local bus services, to provide a viable and genuine alternative to the reliance and use of the private car. This is outlined in further detail later in this section of this report, below.

Parking provision

- 4.1.97 Policy T2: Parking Local Plan and the Vehicle Parking at New Developments Supplementary Planning Document ('Parking SPD') set out the minimum parking requirements for this proposal. This outlines that 1 space is required per 1 bedroom dwelling and that 2 spaces are required for any dwellings of 2 bedrooms or more. In addition, between 0.25 and 0.75 visitors parking spaces are required per dwelling, with ***"the higher standard applied where every dwelling in the scheme is to be provided with a garage"***. In terms of cycle parking/ storage, the Parking SPD requires: ***Provide covered space per dwelling. None if***

garage or secure area provided within curtilage of dwelling”.

- 4.1.98 A Parking Strategy Plan has been submitted with the application. There would be 128 allocated parking spaces. 120 of these would be provided on hardstanding and 8 of these would be provided as car ports/build overs. 1-bedroom properties would be provided with one parking space dwellings with two or more bedrooms would be provided with two parking spaces. 40 garages are provided, but with internal dimensions of 3m x 6m, these have not been counted as parking spaces as they are below the required size set out in the Local Plan policy (which allows for parking and storage). Larger garages would not be encouraged in this sensitive edge of village location, as that would add to the built development on the site. 17 unallocated visitor parking spaces are provided, which equates to 0.25 spaces per dwelling. The lower standard can be applied, as the garages do not count towards the parking spaces. As such, the parking provision complies with the standards set out in the Local Plan and Parking SPD.
- 4.1.99 The Highways Officer noted that the details of cycle parking are shown on the site layout plan, but not shown clearly. Therefore, the details of cycle parking storage would be secured by a planning condition recommended by the Highways Authority.
- 4.1.100 The Planning Inspector made the following comments with regards to parking and access to public transport in Codicote in paragraph 290 of this report, which reads as follows:
- “290. Car parking is clearly also an issue in Codicote. This does not help with congestion and likely affects the shops and other local businesses in the village centre. However, all the sites proposed here are within a reasonable walking distance of the High Street. That some may park their cars partially across the footway does not alter this. Even if the B656 is not an entirely attractive prospect for cycling, as some suggest, it remains an option. I note the points about the limited number of bus routes and frequency of services. But in this largely rural district, the fact that Codicote has access to public transport is an advantage.”***
- 4.1.101 As such is it considered that proposed parking on-site would be policy compliant and impact on existing parking problems would not be a sustainable reason to withhold planning permission.

Mitigation measure

- 4.1.102 Paragraph 110 of the NPPF states that -

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
b) safe and suitable access to the site can be achieved for all users;
c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

4.1.103 Policy T1 of the Local Plan also states that:

“Planning permission will be granted provided that:...b. mechanisms to secure any necessary sustainable transport measures and / or improvements to the existing highway network are secured in accordance with Policy SP7; and d. for major developments, applicants demonstrate (as far as is practicable) how the proposed scheme would be served by public transport;”

4.1.104 It is acknowledged that the existing bus services through Codicote are quite poor and are infrequent. The nearest bus stops are located along the B656 High Street, within 200m from the site. The nearest train stations for commuters are in Knebworth and Welwyn North, both within 4 miles of the application site. Both of these are within reasonable cycling distance, although due to the suitability and safety of the routes involved, cycling may not be desirable. Welwyn Garden City is the only train station accessible by bus and this is infrequent. As such, in line with the requirements of both national and local planning policy stated above, improvements are sought as part of the proposals towards the expansion and [improvement of the 315 bus service through Codicote](#).

4.1.105 Through discussions with the HCC Highway Officer, HCC Passenger Transport Unit and the bus service provider during the process of the Heath Lane application, an indicative timetable has been outlined which would include the provision of three extra buses in the morning and two additional buses in the evening, in each direction along the 315 bus route. This would include an early morning bus stopping in Codicote at approximately 06:20 and getting commuters to Welwyn GC bus station by 06:43 (additional buses would also stop in Codicote at 07:21 and 08:27, in addition to the existing 06:50 and 07:58). Later buses would also be provided in the evening for the return journey.

4.1.106 Daily costings for this expansion have been provided by the bus service provider, £349.94 per day, Monday to Friday (based on 5 additional journeys from Kimpton – WGC and 5 additional journeys from WGC – Kimpton). This amounts to approximately £100,000 per year and it is proposed that s106 contributions are to cover a five year period, with a total costs of £500,000 (before indexing) (after this five year period it is intended that the expanded bus service should become self-funding and viable). This cost is to be split across the four sites allocated in Codicote, on a pro-rata basis (depending on the number of dwellings proposed) and so £95,000 (before indexing) is sought from this application.

4.1.107 As set out above, in order to further improve accessibility to the local bus service, a condition is recommended requiring the two existing bus stops closest to the site along the B656 are upgraded prior to first occupation.

4.1.108 It is considered that the expansion and improved accessibility of the bus service through Codicote would provide commuters and local residents with a genuine and viable alternative to use of the private car for trips to nearby towns.

4.1.109 The Highways Authority are now also seeking a Sustainable Transport Contribution of £141,763 (before indexing). Their response provides details as to how this figure was calculated. This is to be pooled towards scheme no. SM210 under Package 15 of HCC's South-Central Growth and Transport Plan. The Highways Officer provides more detail on this as follows:

“Package 15 of our South-Central Growth & Transport Plan outlines the County Council's plans to undertake works to create a sustainable transport corridor along the B656 through Codicote, including bus priority, speed reduction, and urban realm improvement interventions. Scheme number SM210 in particular outlines the need for measures such as cycleway/footway improvements and traffic calming, with a focus on the

village of Codicote. The aim is to provide a high quality sustainable travel route along the B656 between Welwyn Garden City and Hitchin; discourage the use of the B656 for longer distance inter-urban travel through the use of signage, reduction in permitted traffic speed and other physical changes to road layout which enhance facilities for pedestrians and cyclists; and provide safer and more sustainable travel access options to local schools."

- 4.1.110 The s106 Agreement also includes a requirement for provision of a car club with at least 1 car club space and vehicle provision.
- 4.1.111 A condition is recommended requiring a Construction Traffic Management Plan to minimise construction impacts. The Highways Officer has advised that this plan 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. This condition has been combined with a similar condition recommended by the Environmental Health Officer.

Travel Plan Statement

- 4.1.112 Given that the site is below 70 dwellings Herts County Council do not require a Travel Plan to be secured as part of the s106 Agreement. A Travel Plan Statement was submitted with the application and the Highways Authority have recommended a condition that the approved Travel Plan Statement be implemented.

Summary on the impact on the local highway network, access and parking

- 4.1.113 Many of the objections received from local residents refer to the impacts this proposal would have on matters of highway capacity and access. It is acknowledged that there are issues of congestion in Codicote, especially along the B656 High Street. This is particularly the case during peak rush hours. However, Hertfordshire County Council Highways Authority have not objected to these proposals, subject to conditions and a package of mitigation measures to be secured via a s106 legal agreement, as outlined above.
- 4.1.114 The Highways Officer reached the following conclusion:

"The Highways Authority has assessed the impacts associated with the proposed development of the former Wyevale Codicote Garden Centre based on the information submitted by the applicant, the Transport Statement, Travel Plan Statement, and the detailed plans. The highway safety, accessibility and capacity have also been assessed.

Taking all into account, the Highway Authority is satisfied that the proposed development will not have a 'severe' impact on the highway in the context of paragraph 111 of the revised NPPF_July_2011. Furthermore, widening of existing footways along High Street, improvement of two bus stops opposite Tower Road, contribution towards improvement of B656 Sustainable Travel Corridor and Enhancement of Bus Service would mitigate the impacts on the local highway networks."

- 4.1.115 Notwithstanding the above, it is acknowledged that due to limited employment opportunities in Codicote and the likely need to travel to nearby towns for large weekly shopping trips etc, it is likely that most of the residents of the new development would need to travel by car, adding to the existing congestion. However, this additional traffic is not considered to create a residual cumulative impact on the road network that is severe as to justify a reason for refusal of planning permission. The concerns raised by local residents with regard to traffic, highways safety and parking issues are noted. However, in the absence of an objection from the Highway Authority, it is the officer's view that these would not be sustainable reasons to withhold planning permission.

Environmental considerations

Drainage and Flooding

4.1.116 Policy CD2 sets the following site specific criteria:

“Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery;”

4.1.117 Policy NE7 of the ELP, ‘Reducing Flood Risk’ also states that: ***“Planning permission for development proposals will be granted provided that: b. a FRA has been prepared in accordance national guidance that considers the lifetime of the development, climate change impacts and safe access and egress”.***

4.1.118 A Flood Risk Assessment and Drainage Strategy was submitted in June 2019 as part of the application and an amended version was submitted in February 2022. The Lead Local Flood Authority were re-consulted in February and July 2022. They commented that following a review of the Flood Risk Assessment and Drainage Strategy they have no objection in principle on flood risk grounds and can advise the Local Planning Authority that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk if carried out in accordance with the submitted drainage strategy. They recommended conditions that would secure detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery. Therefore, the site specific criteria in Local Plan Policy CD2 criteria has been met.

4.1.119 In their initial comments in 2019 (but not their more recent comments) the LLFA recommended that the Environment Agency be consulted (as set out above). As such the Environment Agency were consulted in February 2022 and responded to advise that they would not provide comments unless completed their checklist. The proposed development does not appear to fit any of the criteria on the checklist. However, the Environment Agency were consulted again in October 2022 given the initial advice from the LLFA above. No response has been received within the timescales given.

4.1.120 Anglian Water (Planning and Capacity Team) confirmed that having reviewed the development, it falls out of their Statutory sewage boundary. Therefore, have no comments. Thames Water advise that with regards to foul water sewerage network infrastructure capacity, they would not have any objection to the above planning application, based on the information provided. With regards to surface water drainage, Thames Water advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. They advised that management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework and where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. As such the applicant was asked to confirm that the development follows the sequential approach to disposal of surface water, which they have done.

4.1.121 Affinity Water were consulted, and recommended conditions set out below with regards to contamination through surface water drainage and contamination through construction and informatives. In their consultation response in June 2022 following re-consultation they made the comments set out above regarding the Conifer trees around Codicote Water Tower. The applicant provided the following response on this matter, which is considered satisfactory:

“It is disappointing that this comment has been made at such a late stage in the lifetime of the application and has not been raised at any point

previously. Regardless, the only plot that would be impacted by the leylandii around the water tower is plot 30. There is sufficient space between this dwelling and the boundary to allow for any required maintenance and the flank window of this plot serves a dressing room of the main bedroom, which is also served by another window front facing window. As such the siting of this plot adjacent to the tree lined boundary would not have any adverse impact on the amenity of the future occupiers."

- 4.1.122 It is acknowledged that a number of objections and concerns have been raised by local residents regarding the proposal exacerbating existing issues with inadequate storm drainage, which results in surface water drainage issues (causing flooding during sustained rainfall), insufficient sewerage capacity and issues with water supply. However, given that the water companies were consulted and have not raised any objections and given that the LLFA have raised no objections, it is the view of the officer that there would not be sustainable reasons to withhold planning permission on the grounds of water-related issues.

Ecology

- 4.1.123 The biodiversity impacts arising from the development of the site will also need to be considered. The site-specific criteria reads as follows:

"Consider and mitigate against potential adverse impacts upon adjoining priority deciduous woodland habitat;"

- 4.1.124 The priority deciduous woodland habitat is to the west of the application site on the other side of the B656. The application was accompanied by an Ecological Appraisal and further information has been submitted in relation to Ecology and Biodiversity Net Gain (BNG), including a Biodiversity Metric 3.
- 4.1.125 During the course of this application there have been minor modifications to the Local Plan including the inclusion of Policy NE4: Biodiversity and geological sites. This policy introduced the requirement for 12m buffers and Biodiversity Net Gain (BNG).
- 4.2.126 Policy NE4: Biodiversity and geological sites states that:

"Applicants should, having regard to the status of any affected site(s) or feature(s)..."

d. Integrate appropriate buffers of complimentary habitat for designated sites and other connective features, wildlife habitats, priority habitats and species into the ecological mitigation and design. The appropriateness of any buffers will be considered having regard to the status of the relevant habitat. 12 metres of complimentary habitat should be provided around wildlife sites (locally designated sites and above), trees and hedgerows. It may be necessary to exceed this distance for fragile habitats such as ancient woodland or to provide appropriate root protection for mature trees;"

- 4.1.127 The original Ecology Appraisal identified that two hedgerows are present within the site along the western and northern boundaries and would qualify as Priority Habitats. It would appear from the plans that there would be a landscaping buffer which would be at least 12m in depth along the western boundary. The landscaping buffer along the northern boundary would range from 4m to 13m. All the trees and shrubs including the Poplar trees along the northern boundary are going to be removed due to poor health and justification has been provided for this by the applicant. This is discussed in the section on "Landscaping" above. Hertfordshire Ecology have not raised any concerns with regards to buffers. The Local Plan policy does in fact state that the provision of 12m buffers should be

provided. However, it is not an absolute requirement of policy. It is necessary to implement the 12m buffers pragmatically otherwise some of the smaller proposed housing allocation sites in the Local Plan could well be undeliverable. As such, it is considered that the proposed buffers would be sufficient in this instance.

4.1.128 Policy NE4 – Biodiversity and geological sites states that:

“All development should deliver measurable net gains for biodiversity and geodiversity, contribute to ecological networks and the water environment, and/or restore degraded or isolated habitats where possible. In line with the emerging Environment Bill we would be looking for 10% Biodiversity Net Gain on site and if this cannot be achieved then a s106 contribution would be required for offsite BNG works.”

Herts Ecology have advised that sufficient information has been provided on protected species for the application to be determined. The original comments from Herts Ecology advised that bat surveys should be undertaken. The most recent comments from Herts Ecology note that the demolition of the buildings means that further bat surveys of the onsite structures are no longer relevant. They acknowledge the professional opinion of the consultant ecologist that it was highly unlikely that bats were present during these demolition work and therefore advise that bats do not need to be considered constraint to the proposal. The condition recommended by Herts Ecology (in their initial comments) in relation to New Zealand Pigmyweed has been recommended.

4.1.129 During the course of the application further information has been submitted with regards to Biodiversity Net Gain (BNG) and consultation has been carried out with Herts Ecology. Following comments from Herts Ecology, the applicant's ecological consultant has made some changes to the proposals and maintains that 10.83% habitat unit gain BNG can be achieved under the proposals on-site and off-site using land immediately to the north of the site and within the ownership of the applicant. The only outstanding issue relates to the score attributed to the SUDS feature, which has been queried by Herts Ecology, and therefore whether 10% BNG can be achieved under the current proposals. The applicant's ecological consultant has provided further information on this. We are awaiting further comments from Herts Ecology. However, they have previously advised that the 10% set out in the Environment Act is currently not mandatory, therefore they are not in a position to advise this can be used as a reason for refusal.

4.1.130 As set out in Policy NE4, in line with the emerging Environment Bill, we would be seeking 10% BNG on site and if this cannot be achieved then through off-site works, and this would be consistent with recent decisions at Heath Lane and Cowards Lane in Codicote. A condition has been recommended using wording recommended by Herts Ecology requiring a Biodiversity and Landscape Management Plan (Landscape Ecological Management Plan) which details how the ecological units shown in the approved biodiversity metric will be delivered as the part of the development shall be submitted to and approved in writing by the Local Planning Authority. To secure the 10% BNG, a clause has been included in the s106 Agreement to ensure that In the event that the Council determines as part of the Biodiversity and Landscape Management Plan that a 10% biodiversity net gain cannot be provided within the Land and that part of the biodiversity net gain will be provided on the Off-Site Biodiversity Land then the Biodiversity and Landscape Management Plan will be implemented in accordance with the approved details and the programme as approved and the measures shall be maintained and retained thereafter on the Off-Site Biodiversity Land.

- 4.1.131 As such, it is considered that the proposal would be acceptable in terms of impact on ecology and biodiversity, subject to the recommended conditions and provisions in the s106 Agreement.

Archaeology

- 4.1.132 Whilst not within an Area of Archaeological Significance the application site is within a wider landscape with some archaeological potential. Significant archaeological remains have been found where archaeological evaluation has taken place in the fields surrounding Codicote village. The Historic Environment Team are not aware that any archaeological work has been carried out as yet to the north of Codicote, and therefore the archaeological potential of the former Wyevale garden centre site is uncertain. They explained that historic mapping indicates that much of the site was formerly allotments. The south eastern part of the proposed development area in particular has been built on, and landscaping has taken place on at least some of the remainder. It is not clear whether this will have been sufficiently intrusive or extensive to remove any in situ archaeological deposits.
- 4.1.133 The proposed development is similar in scale to many in North Hertfordshire where the Historic Environment Team have recommended that archaeological evaluation take place predetermination. However, for the reasons above, this site may have slightly lesser archaeological potential. Therefore, they have recommended that, in this instance, a programme of archaeological evaluation may take place post consent, to be secured by the conditions, which have been recommended below. Therefore it is considered that the proposal would comply with the requirements of Local Plan Policy HE4: Archaeology.

Land contamination

- 4.1.134 The following site-specific criteria in Policy CD2 relates to this site:

“Site Preliminary Risk Assessment to identify any contamination associated with previous uses including mitigation;”

- 4.1.135 The Environmental Protection Officer was consulted on the application. They commented that there is no objection to the proposal with respect to potential land contamination. However, the submitted documents make reference to contaminated land reports and knowledge of the presence of ground contamination, but none of the reports have been submitted. Therefore, it will be necessary for the standard land contamination condition to be included on any permission that might be granted. This condition is recommended below and requires submission pre commencement of development of a written preliminary environmental risk assessment (Phase I) report therefore the requirements of the site-specific criteria and the requirements of Local Plan Policy NE11: Contaminated land have been met.

Air quality

- 4.1.136 Paragraph 105 of the NPPF states that:

“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health”.

- 4.1.137 Paragraph 186 of the NPPF (under section 'Ground conditions and pollution') states that:

“Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement”.

- 4.1.138 Local Plan Policy D4: Air Quality states:

“Planning permission will be granted provided that development proposals:
a) Give consideration to the potential or actual impact on local air quality, both during the demolition/ construction phase and as a result of its final occupation and use;
b) Propose appropriate levels of mitigation to minimise emissions to the atmosphere and their potential effects upon health and the local environment; and
c) Carry out air pollution impact assessments, where required, to determine the impact on local air quality of the development.”

- 4.1.139 The Council's approach and guidance to matters on air quality is outlined in the 'North Herts Air Quality Planning Guidance (October 2018)' document. The Council's Environmental Protection Officer has reviewed the documents submitted in support of the application and can confirm that there is no objection to the proposal in terms of local air quality. They have recommended a condition requiring that the works shall not proceed without the formal acceptance of a detailed Travel Plan and a condition requiring provision of 66 EV charge points, one per dwelling, plus EV charge points for unallocated visitor parking, on a minimum ratio of 1 EV charge point per 10 visitor spaces. It is noted that some of the representations from local residents raised concerns with regards to pollution due to increased traffic levels. However, subject to these conditions it is concluded that impact on air quality is not a sustainable reason to withhold planning permission.

Noise and light

- 4.1.140 Initially in July 2019 the Environmental Health Officer recommended refusal on the basis that the "Noise Risk Assessment and Acoustic Design Statement" Report was unsatisfactory. Following receipt of a consolidated "Environmental Noise Assessment, High Street, Codicote", Report (dated 3rd December 2020), which has assessed road traffic noise and noise arising from the nearby function room. Noise mitigation measures were found to be necessary. The Environmental Health Officer confirmed in comments dated 20th January 2020 that the report is satisfactory; and they recommend securing a condition to secure the necessary noise mitigation measures. An amended Environmental Noise Survey was submitted in December 2021. This also sets out mitigation measures, these include glazing and ventilator specifications and 1.8m high close boarded timber fences to specific plots along the eastern boundary. The proposed fencing (to three properties) would be acceptable in visual terms. In April 2022 the Environmental Health Officer confirmed that they have no additional comments on the amendments in this application. As such the noise condition recommended in 2020 has been recommended below.

- 4.1.141 Due to the potential for nuisance due to noise, dust etc. during construction they have recommended a condition requiring full details of a construction phasing and environmental management programme for the development and informatives regarding the Code of Practice for Noise Control on construction on open sites and an informative in relation to working hours. This condition has been

combined with a similar condition recommended by the Highways Authority.

- 4.1.142 Initially the Environmental Health Officer recommended refusal on the basis of lack of information, as the light from adjacent floodlit tennis courts has the potential to cause nuisance to future residents. In January 2020 following receipt of a Lighting Assessment, the Environmental Health Officer commented that the report is a robust assessment and that the results show that light from the floodlighting to the tennis courts will not have an adverse effect on the amenity of future residents as light levels are below the relevant criteria. This addressed their concerns regarding the potential for light nuisance.
- 4.1.143 Following receipt of amended plans, the case officer was concerned that the layout had changed, in particular the houses adjacent to the tennis courts and associated floodlighting. Planning permission was granted for the floodlights in 2005 (ref. 05/00857/1) and is subject to a condition that the floodlighting shall not be used after 2200 hours on Mondays to Fridays and not after 2100 on Saturdays, Sundays and Bank Holidays. The Environmental Health Team reviewed the lighting report plus the new layout in proximity to the tennis court and noted the cut off time for floodlight use. They recommend approval as no adverse effect would be likely to impact on future users of the site.
- 4.1.144 A condition has been recommended by officers that a lighting scheme for the site be submitted to and approved in writing by the LPA, in order to protect the amenity of future residents and the character and appearance of the area.
- 4.1.145 As such, there are no objections to the proposal on the grounds of noise or lighting issues and the requirements of Local Plan Policy D3: Protecting living conditions have been met.

Waste and Recycling Management

- 4.1.146 A Waste Collection Plan was submitted as part of the application. The Contracts Officer, Waste and Recycling, confirmed that the Swept Path (submitted as part of the Transport Statement) is fine. They recommended a pre-occupation condition requiring a scheme setting out details of all on-site household refuse and recycling storage and collection facilities to serve each dwelling to be submitted to and been approved in writing by the Local Planning Authority. In earlier comments they provided advice regarding waste and recycling, which is recommended as an informative. The Highways Authority noted that the site layout has been tested with a swept path analysis of a large waste collection vehicle, shown on the WSP Transport Statement drawings and that the waste collection proposals seem satisfactory. As such there are no issues with regards to waste and recycling collection.

Other

- 4.1.147 It is noted that many of the representations raise concern about the impact of the proposed development on utilities. The application was accompanied by a BT asset plan, UK Power Networks documents, a Cadent asset plan, Virgin Media Asset Plan and Utilities Statement. However, impact of the development on these utilities is outside the remit of the planning legislation.

Summary on environmental considerations

- 4.1.148 As set out above there are no sustainable reasons to withhold planning permission on environmental grounds.

Whether the development would represent a sustainable form of development

- 4.1.149 A matter to consider in all applications for planning permission is whether the proposed development would represent a sustainable form of development. Paragraph 8 of the NPPF sets out the economic, social and environmental objectives that should be met in order to achieve sustainable development.

Economic Benefits

- 4.1.150 Paragraph 81 of the NPPF stipulates that significant weight should be placed on the need to support economic growth and productivity. This is particularly relevant following the COVID-19 pandemic and other pressures on the economy. There will be considerable economic benefits derived from the construction of the site. There will be employment for construction workers and resulting direct and indirect benefits to the local economy. There would also be economic benefits arising from the fitting out and furnishing of the new homes. There would also be ongoing benefits from the spending of future occupiers.

Social Benefits

- 4.1.151 The main social benefits of the proposed development would be the provision of 66 dwellings including 40 affordable homes and associated public open space.

Environmental Benefits

- 4.1.152 The environmental benefits of the proposed development would be that a vacant, former Garden Centre site, that does not currently make a positive contribution to the character of the area, would be re-developed.

Summary on sustainability

- 4.1.153 Overall, it is considered that the proposals represent a sustainable form of development that complies with national and local planning policy and guidance.

School expansion

- 4.1.154 The applicant's Planning Statement states that:

"A Primary School Education Needs Assessment has been prepared by EFM which concludes that the proposed development is calculated to yield approximately 35 primary age pupils. It is agreed that the school, as it stands, does not have sufficient space to admit all of these pupils, particularly when the product from other developments within the village is taken into account."

- 4.1.155 In the Heath Lane appeal decision, the Planning Inspector made the following comments:

"I do not accept that a permission for the appeal scheme should pre-determine proposals for other Codicote housing allocations within the ELP. A permission for the appeal scheme would only 'unlock' the potential of the other draft allocations for Codicote insofar as their implementation may be currently precluded by available school capacity. Other relevant site-specific considerations would remain according to the particular merits of each case."

- 4.1.156 The Heath Lane decision allows for the school to be expanded. Therefore, it resolves any potential capacity issues.

4.1.157 The site-specific policy CD2 requires that:

- ***“Appropriate solution for expansion of Codicote Primary School to be secured to accommodate additional pupils arising from this site;***
- ***Contribution towards expansion of Codicote Primary School;”***

This would now be achievable as planning permission has been granted for the expansion of the school, as the Heath Lane appeal was allowed.

4.1.158 Paragraphs 291 and 292 of the Inspector’s report refer to this matter:

“291. Codicote Primary School is a single form of entry school that is at or above capacity at present. It has no space within its grounds to expand. The proposed housing allocations would lead to the need for something approaching two forms of entry. The Council’s intention is that Site CD5, which is to the rear of and adjacent to the school, will provide a new playing field for the school to enable the school to expand onto its existing field. To ensure that the school places needed are provided when they are required, it will be necessary for Site CD5 to be delivered either ahead of or in parallel with the other allocations. For effectiveness, MM232 and MM227/FM123 are necessary to ensure that the Plan sets out the position clearly.

292. As I have said, Site CD5 now has planning permission. The appeal scheme is supported by a signed legal agreement securing the land transfer involved with providing the new school field. It therefore seems to me that the school capacity required is deliverable. However, to make sure of this, the policies for each of the four sites should include a requirement for an appropriate solution for the expansion of Codicote Primary School to be secured, along with a requirement for a contribution to that expansion. Main modifications MM224/FM120, MM225/FM121, MM226/FM122 and MM227/FM123 add such requirements.”

4.1.159 It is considered that the proposed development complies with the site-specific criteria, as the Heath Lane permission has resulted in an appropriate solution for the expansion of Codicote Primary School to be secured to accommodate additional pupils arising from this site and as part of the s106 Agreement a contribution towards expansion of Codicote Primary School has been secured.

Climate change

4.1.160 Local Plan Policy D1 states: ***“Planning permission will be granted provided that development proposals:...iii. reduce energy consumption and waste;”***

4.1.161 An Energy Statement was requested and submitted during the course of the application. Officers raised concern that the proposed scheme misses the opportunity to provide more sustainable energy measures. The applicant provided the following response.

“Taylor Wimpey adopts a fabric-first approach as the priority solution for this Development and steps have been taken to reduce energy demand through high-quality sustainable design. The planned integration of efficient building fabric and building services have been modelled and are predicted to lead to an enhancement over Part L of the Building Regulations 2013. We consider this approach to accord with the relevant planning policy.

The scheme will nonetheless need to satisfy emerging building regulations, that have recently come into effect, requiring a 30% reduction in carbon emissions. It is therefore likely that an element of PV will be required. We would be content to accept a suitably worded planning condition to secure the provision of PV as part of a building regulations compliant scheme.

The scheme also delivers a number of sustainability benefits that go beyond policy requirements and should be afforded weight in the planning balance. Biodiversity and ecology are key to Taylor Wimpey's sustainability ethos demonstrated by our requirement to deliver biodiversity net gain on all our schemes. The additional environmental enhancements document attached, details our wildlife enhancement goals and confirms this scheme will be delivering bug hotels, bat boxes and hedgehog highways as standard."

- 4.1.162 As such a condition requiring a scheme for photovoltaics has been recommended. It is considered that the proposals satisfy current planning policy requirements.

Statement of Community Involvement

- 4.1.163 Paragraph 40 of the NPPF states that Local planning authorities...***"should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications."***

- 4.1.164 The application was accompanied by a Statement of Community Involvement, which sets out how the applicant has engaged with the Council, the Highways Authority and the local community prior to submitting this application.

Planning Obligations

- 4.1.165 In considering Planning Obligations relating to this proposed development. The Community Infrastructure Regulations and Paragraph 57 of the Framework set out statutory and policy tests. Paragraph 57 reads as follows:

"Planning obligations must only be sought where they meet all of the following tests [Footnote 26: Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.]:

- a) necessary to make the development acceptable in planning terms;***
- b) directly related to the development; and***
- c) fairly and reasonably related in scale and kind to the development."***

- 4.1.166 Local Plan Policy SP7: Infrastructure requirements and developer contributions states that: ***"The Council will require development proposals to make provision for infrastructure that is necessary in order to accommodate additional demands resulting from the development."*** The Planning Obligations SPD can be given weight and the Draft Developer Contributions SPD is a material consideration; but can be given limited weight as is not adopted. Negotiations have taken place with the applicant and agreement reached on a range of matters that are included in a draft s106 Agreement. The s106 Agreement reflects that agreed on the Heath Lane application. These include the phased provision of 40% affordable housing and index-linked financial contributions towards the expansion of the primary school, towards secondary education, nursery education special educational needs and difficulties, library service, youth service and waste service. Also included are index-linked financial contributions towards a new Codicote Scout Hut, refurbishment of the sports pavilion at Bury Lane Sport field and contributions towards the expansion of bus service through Codicote and sustainable transport contribution to be pooled towards scheme no. SM210 under Package 15 of HCC's South-Central Growth and Transport Plan.

- 4.1.167 The amounts calculated towards a new Codicote Scout Hut, refurbishment of the sports pavilion at Bury Lane Sport field and contributions towards the expansion of the bus service through Codicote are proportionate to the site as contributions will be sought and pooled from the total major housing allocation sites in Codicote in the

ELP. Please note that the bus stop improvements and provision of fire hydrants will be secured by condition. Requirements for a car club scheme have been included within the S106 Agreement.

- 4.1.168 In April 2022 the NHS East and North Hertfordshire Clinical Commissioning Group confirmed that there is no application for S106 for healthcare. This has been queried by the case officer and a further response has been sought on several occasions, but not received from the NHS. However, in order to be consistent with recent decisions at Heath Lane and Cowards Lane (where we received responses from the NHS) we have requested S106 contribution towards the reconfiguration of Bridge Cottage GP surgery, Welwyn to provide an extra consultation room. Should the NHS not wish to accept the money within ten years then it would be returned to the developer.
- 4.1.169 Given that the playground is immediately adjacent to the site, officers suggested to the Parish Council that they seek a contribution towards the refurbishment and enhancement of the existing playground. In the absence of a quote being submitted by the Parish Council, the applicants submitted a quote for the enhancement works to the playground. At the case officers request the Council's Grounds Maintenance Team sought an independent quote. The details of the applicant's quote have been negotiated and these quotes are now very similar. Therefore, this is considered acceptable, and the applicant's quote has been used as the Play space contribution figure in the s106 Agreement. Following receipt of a representation from a local resident, which raised concern about lack of inclusive play equipment in Codicote, the case officer requested that some of the play equipment be inclusive and this has been included in the quote. Notwithstanding the submitted quote, the s106 Agreement requires submission and agreement of a Play Space Enhancement Scheme and the details of the playground would be considered at this stage. The Parish Council's concerns with regards to potential anti-social behaviour are noted and motion sensitive lighting for the playground area could form part of the lighting scheme for the whole proposed development, which is required by condition.
- 4.1.170 The Parish Council provided an update on 11th November 2022 with regards to s106 contributions and the proposed pedestrian accesses, which is set out in the consultation responses above. We would not be seeking the contribution for the Peace Memorial Hall, given the late stage of the request, lack of justification that it meets the tests set out in Paragraph 57 of the NPPF and as monies have already been secured for the scout hut and pavilion. With regards to the request that the John Clements Sports & Community Centre is attached to mains drainage, officers have advised the Parish Council that the possibility of the facilities at the John Clements sports field being linked up to main sewage via the Wyevale development is not something the Local Planning Authority could require as part of the planning application, as this would not be reasonable and necessary to make the application acceptable.
- 4.1.171 The s106 Agreement has been amended to secure at least one pedestrian access in case the Parish Council continue to only agree to one access. There is a clause in the s106 Agreement to ensure that the Owner shall use reasonable endeavours to obtain all necessary consents and licences from the relevant landowners and authorities to allow for at least one pedestrian access to and egress from the Land to the land comprising the playground, playing fields, tennis courts, scout hut and John Clements Sports and Community Centre and (if applicable) the Play Space Enhancement via the gate required. There is also a mechanism in the s106 Agreement that if the Owner (applicant) is unable to obtain the permission of the owner of the existing playground (the Parish Council) to carry out the enhancement works, then an equivalent financial contribution will be paid by the Owner to the District Council and passed to the Parish Council for them to carry out the works themselves. As is normally the case, if this money is not spent within a period of ten years, then it is returned to the developer.

4.1.172 As set out above a clause has been included in the s106 Agreement to ensure that in the event that the Council determines as part of the Biodiversity and Landscape Management Plan that a 10% biodiversity net gain cannot be provided within the Land and that part of the biodiversity net gain will be provided on the Off-Site Biodiversity Land then the Biodiversity and Landscape Management Plan will be implemented in accordance with the approved details and the programme as approved and the measures shall be maintained and retained thereafter on the Off-Site Biodiversity Land (within the ownership of the applicant). The s106 Agreement also requires an Open Space Scheme, Open Space Management Scheme and SUDS Management Scheme to secure the provision and long-term management and maintenance of the open space, play space and SUDS on-site

4.1.173 All of the S106 obligations are listed in the table below.

| Element | Detail and Justification |
|---------------------------|--|
| Affordable Housing (NHDC) | <p>On site provision of 26 units (40%) affordable housing based on 65% social/affordable rented units and 35% shared ownership units. This equated to 17 rented and 9 intermediate tenure</p> <p>Affordable Rented Units: 5 x one bedroom flats (inc 1 x M4(3) standard; 3 x two bedroom flats(inc 1 x M4(3) standard; 1 x three bedroom flat (to standard M4(3)); 4 x two bedroom houses; and 3 x three bedroom houses</p> <p>Shared Ownership Units: 1 x two bedroom flat (Flat Over Garage); 2 x two bedroom houses; 5 x three bedroom houses; and 1 x four bedroom house</p> <p>Social Rented Units: 1 x four bedroom house</p> <p>NHDC Planning Obligations Supplementary Planning Document Submission Local Plan Policy HS2 'Affordable Housing'</p> |
| Primary Education (HCC) | <p>Contribution of £700,964 (before indexing) towards the permanent expansion of Codicote Primary School by 1 FE</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p> |
| Nursery Education (HCC) | <p>Contribution of £72,486 (index linked) based on the HCC Guide to Developer Infrastructure Contributions (July 2021) towards additional capacity at Codicote pre-school</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p> |

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| Secondary Education contributions (HCC) | <p>Contribution of £618,395 (index linked) based on the HCC Guide to Developer Infrastructure Contributions (July 2021) towards the expansion of Monks Walk School, Welwyn.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p> |
| Special Educational Needs and Disabilities (HCC) | <p>Contribution of £70,468 (index linked) based on the HCC Guide to Developer Infrastructure Contributions (July 2021) towards the new East Severe Learning Difficulty School</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p> |
| Library Service (HCC) | <p>Contribution of £6,658 (index linked) based on the HCC Guide to Developer Infrastructure Contributions (July 2021) to go towards increasing the capacity of Welwyn Library or its future re-provision.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p> |
| Youth Service (HCC) | <p>Contribution of £12,608 (index linked) based on the HCC Guide to Developer Infrastructure Contributions (July 2021) towards a new, larger young people's centre in Welwyn Garden City or its future re-provision.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p> |
| Waste Service (HCC) | <p>Contribution of £5,669 (index linked) towards increasing the capacity of Stevenage Recycling Centre to serve the development.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p> |
| Sustainable Transport contributions (HCC) | <p>Contributions to upgrade and improve sustainable transport as follows:</p> <ol style="list-style-type: none"> 1. £141,763 (before indexing) towards improvement of sustainable travel corridor along B656 between Welwyn Garden City and Hitchin (Project identified in the Growth and Transport Plan: South Central package 15 scheme SM210) 2. £95,000 (before indexing) to enhance bus services in Codicote <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> |

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|---|--|
| | Planning Obligations SPD and HCC Guide to Developer Infrastructure Contributions (July 2021) |
| Biodiversity Net Gain | <p>In the event that the Council determines as part of the Biodiversity and Landscape Management Plan that a 10% biodiversity net gain cannot be provided within the Land and that part of the biodiversity net gain will be provided on the Off-Site Biodiversity Land then the Biodiversity and Landscape Management Plan will be implemented in accordance with the approved details and the programme as approved and the measures shall be maintained and retained thereafter on the Off-Site Biodiversity Land.</p> <p>Policy NE4, Biodiversity and Geological Sites</p> |
| Monitoring Fees (HCC) | <p>Monitoring Fees – HCC will charge monitoring fees.</p> <p>These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (before adjusting for inflation).</p> <p>HCC Guide to Developer Infrastructure Contributions (July 2021)</p> |
| Car Club Scheme (NHDC) | <p>One of the visitors parking spaces (unless an alternative number is otherwise agreed between the Council and the Owners in writing) to be provided on the Land as part of the Development and to be made available for use in accordance with Travel Plan at no cost to the Council.</p> |
| Health Services (NHDC) | <p>Contribution of £46,715.01 (index linked) towards the reconfiguration of Bridge Cottage Surgery (Welwyn) to provide an extra consultation room</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> |
| Community Centre/ Halls Contribution (NHDC) | <p>Contribution of £95,592.67 (index linked) towards the re-build/replacement of Codicote Scout Hut</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD</p> |
| Pitch Sports Contribution (NHDC) | <p>Contribution of £21,425.00 (index linked) towards the refurbishment of Bury Lane Sports Pavilion</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD</p> |
| Waste Collection & Recycling (NHDC) | <p>Contribution based on NHDC Planning Obligations SPD (figures are before indexing):</p> <p>District Contributions:</p> <ul style="list-style-type: none"> - £71 per house - £54 per flat with its own self-contained garden - £26 per flat with shared or no amenity space <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD</p> |

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|--|--|
| Open space/ SUDS management and maintenance arrangements (NHDC) | Open Space Scheme, Open Space Management Scheme and SUDS Management Scheme to secure the provision and long-term management and maintenance of the open space, play space and SUDS on-site Fields in Trust Standards - which are inserted into the front of the (proposed) new Developer Contributions SPD. Policy SP7 'Infrastructure requirements and developer contributions' |
| EITHER Play Space provision | Play Space Enhancement scheme to be approved by the Council. Developer delivers the Play Space Enhancement on the existing LEAP on the adjacent land. |
| OR Play Space contribution | If Owner unable to secure the Enhancement Consents then the Owner will pay the Play Space Contribution to the Council. Policy SP7 'Infrastructure requirements and developer contributions' Fields in Trust standards |
| Pedestrian access | The Owner shall use reasonable endeavours to obtain all necessary consents and licences from the relevant landowners and authorities to allow for at least one pedestrian access to and egress from the Land to the land comprising the playground, playing fields, tennis courts, scout hut and John Clements Sports and Community Centre and (if applicable) the Play Space Enhancement via the gate required Policy SP7 'Infrastructure requirements and developer contributions' Fields in Trust standards |

4.1.174 All the elements of these Obligations are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. In the light of the detailed evidence, all the elements of the Obligation meet the policy in paragraph 256 of the NPPF and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

4.1.175 Some of the provisions of the S106 agreement are designed to mitigate the impact of the development and these elements. Further agreed contributions towards sustainable transport, community centres/ halls (new Scout hut) and pitch sports (refurbishment of Bury Lane sports pavilion) and the enhancement of the existing playground whilst mitigating the impact of the development, would also be a wider public benefit as residents beyond those living at the proposed development site will benefit and make use of the new and improved facilities.

4.1.176 At this stage the planning contribution figures have been agreed by all parties. Discussions are ongoing regarding the wording of the s106 Agreement, such as trigger points. However, it is considered that the s106 Agreement is advanced enough to refer this matter to Planning Committee and that the outstanding issues are minor in nature and can be resolved prior to determination. As such the recommendation is that planning permission should be granted subject to conditions and completion of the s106 Agreement.

Summary and conclusion

4.1.177 Paragraph 11 of the NPPF states that: ***“Plans and decisions should apply a presumption in favour of sustainable development.”***

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay.”

4.1.178 The Council’s new Local Plan was adopted on 8th November 2022 and is considered ‘up-to-date’ for the purposes of national policy. The NPPF advises that decision makers should approve development proposals that accord with an up-to-date development plan without delay. Paragraph 47 of the NPPF states: ***“That Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”*** It is concluded that the proposed development is broadly in accordance with the development plan and there are not any material considerations that indicate the application should not be approved.

4.1.179 All of the application site (excluding the attenuation basin area) falls within the settlement boundary, as defined in the Local Plan. As discussed above the proposed attenuation basin would be sited outside of the housing allocation site on land within the ownership of the applicant. In the officer’s view the proposed attenuation pond constitutes an engineering operation that preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. As such it is concluded that the excavation of the basin within the Green Belt does not therefore represent inappropriate development. Whilst it is not ideal that the attenuation basin is sited outside the red line of the application site, it is considered that on balance this is not a sustainable reason to refuse planning permission.

4.1.180 It is the officer’s view that the housing site constitutes previously developed land, because until recently there were buildings on the site for the garden centre. All of the application site (excluding the attenuation basin area) benefits from an allocation under Policy CD2 for an estimated 54 dwellings and the Local Plan removed the whole site be removed from the Green Belt for development and incorporated within the settlement boundary of Codicote. This policy also contains detailed policy criteria for consideration in the determination of any relevant applications for planning permission. It is considered that the proposals broadly comply with the site-specific policy criteria set out in Policy CD2. Where the proposals do not completely comply with the policy criteria set out in CD2, it is considered that on balance these are not sustainable reasons to withhold planning permission.

4.1.181 There are no material considerations to indicate that the application should not be determined in accordance with the development plan. For the reasons set out above it is the officer’s view that the proposed development would accord with the development plan including the adopted Local Plan, and that there are no sustainable reasons to withhold planning permission. As such planning permission should be granted subject to conditions and completion of the s106 Agreement.

Climate change mitigation measures

4.1.182 An Energy Statement was requested and submitted as part of the application and is discussed above. Conditions have been recommended requiring Electric Vehicle re-charging points and requiring a scheme for the provision of Photovoltaics as part of a building regulations compliant scheme.

Pre-commencement Conditions

- 4.1.183 The case officer can confirm that the applicant is in agreement with the pre-commencement conditions following some changes to the wording of some recommended conditions.

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 is resolved to be GRANTED subject to the following:
- A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required and;
 - B) The following conditions and informatives:
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. (a) Except from enabling works (see enabling works informative for definition), no development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then 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
(c) 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 (b), above; has been submitted to and approved by the Local Planning Authority.

(d) 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 (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

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

(e) Any contamination, other than that reported by virtue of condition (a) and (b), 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.

4. No development except for enabling works (see enabling works informative for definition), 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 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
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 safeguard the archaeological record.

5. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 4.

Reason: To safeguard the archaeological record.

6. 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 approved under condition 4. and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological record.

7. No works or development (including any pre-construction, demolition or enabling works) shall commence until a Construction Management Plan/construction phasing and environmental management programme has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan/Programme unless otherwise agreed in writing by the Local Planning

Authority: The Construction Management Plan/construction phasing and environmental management programme shall include details of:

- Construction vehicle numbers, type, routing.
- Access arrangements to the site.
- Traffic management requirements.
- Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas).
- Siting and details of wheel washing facilities (for construction vehicles leaving the site).
- Cleaning of site entrances, site tracks and the adjacent public highway.
- Timing of construction activities/hours of construction operations (including delivery times and removal of waste) and to avoid school pick up/drop off times.
- Provision of sufficient on-site parking prior to commencement of construction activities.
- Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas.
- 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.
- Phasing Plans.
- Measures to minimise dust, noise, machinery and traffic noise impacts during construction.
- The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures.
- Screening and hoarding details, to protect neighbouring residents.
- End of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority.
- Storage and removal of building waste for disposal or recycling.
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and to ensure the correct phasing of development in the interests of minimising disruption nearby residents during construction, minimising any environmental impacts.

8. Before first occupation of the development hereby permitted, additional plans must be submitted to and approved in written by the Local Planning Authority in consultation with the Highway Authority which show the detailed engineering design of the access works in line with indicative drawing Ref-0600-SK03-2021, Rev- P02 (to include pedestrian dropped kerbs and tactile paving on both sides). These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation of the development.

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

9. Prior to the first occupation, a visibility splay of 2.4m x 126m in the northern direction and 2.4m x 131m in the southern direction of the proposed access point as indicated on the drawing Ref- 0600-SK03-2020, Rev-P02 shall be provided and such splays shall thereafter maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety

10. Prior to the first occupation of the development hereby permitted at least one of the east/west pedestrian and cycle linkages as proposed shown on the drawing Ref-18 955-SK03, Rev-ZA shall be provided, and such links shall thereafter be always maintained, unless otherwise agreed in writing by the Local Planning Authority. All internal junctions which have segregated footways on both sides shall provide tactile paved crossing points.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 110–112 of the NPPF (2021)

11. Prior to the first occupation of the development hereby permitted the proposed parking and turning areas as shown on drawing Ref- 18 955-SK06, Rev -D shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the approved plan 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).

12. Prior to the first occupation of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

13. No dwelling forming part of the development shall be occupied until the two existing bus stops closest to the site along the B656 have been upgraded, to include raised Kassel kerbing and a pedestrian dropped kerb / tactile paved crossing point between them over the B656, widening the existing footways, and tactile paving over Tower Road, as indicated on the drawing Ref-0600SK04-2021, Rev-P02 in Appendix G.1 of the Transport Statement dated December 2021. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation.

Reason: To ensure residents and visitors of the development have the realistic option of travelling by local bus routes, and not a reliance on the private motorcar, in accordance with paragraphs 110– 12 of the NPPF (2021).

14. No part of the development hereby permitted shall be occupied prior to the implementation of the approved Residential Travel Plan Statement for Codicote Garden Centre Reference number (TP01, Dated December 2021 and HCC Ref- NH/358/2019). Those parts of the approved Travel Plan Statement that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

15. No dwelling forming part of the development shall be occupied until without the formal acceptance of a detailed Travel Plan, where the content of the travel plan is fully assessed prior to approval of objectives and targets with local authority officers. The Travel Plan shall take account of the detailed guidance within the Air Quality and Planning Guidance, notably Tables 4 & 5, referencing the checklist in Appendix 5 and with reference to the Travel Plan Guidance' at www.hertsdirect.org
- The content of the travel plan shall be fully assessed prior to its approval in conjunction with local authority officers.
 - The agreed targets and objectives included in the travel plan are secured for implementation by mutual agreement of the local authority and the developer/applicant.
 - The outputs of the travel plan (typically trip levels and mode split) are annually monitored against the agreed targets and objectives.
 - Should the travel plan not deliver the anticipated outputs or meet the targets and objectives further mitigation/alternative/compensation measures need to be identified and implemented.
 - A named co-ordinator is required for success of the travel plan.

Reason: To reduce the impact of the development on air quality.

16. Prior to occupation, each of the 66 proposed new dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point. EV charge points shall be allocated to any visitor parking on a ratio of 1 charge point per 10 visitor parking spaces. The charging arrangements shall be maintained and retained thereafter.

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.

17. The noise mitigation measures (enhanced glazing, acoustic ventilators and 1.8m high fences) as detailed in Section 11 and Appendix D of "Environmental Noise Assessment, High Street, Codicote", Report reference 19914-2, dated 3rd December 2019 by noise.co.uk, shall be Approved by the Local Planning Authority. The development shall not be occupied until the approved scheme is fully implemented in accordance with the details provided. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: To protect the residential amenity of future residents.

18. No dwelling hereby permitted shall be occupied until a scheme of external lighting has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall be designed to ensure public safety and to minimise the potential effects on the ecology of the site and its

surroundings. The scheme shall include details of external lighting of the pedestrian accesses on the eastern boundary. The strategy shall be designed to minimise the potential adverse effects of external lighting on the amenity and biodiversity of the site and its immediate surroundings. The scheme shall be implemented as approved and in accordance with an agreed programme/strategy, and the arrangements shall be maintained and retained thereafter.

Reason: In the interests of biodiversity and local amenity.

19. Prior to the commencement of any landscaping works, a Biodiversity and Landscape Management Plan (Landscape Ecological Management Plan) which details how the ecological units shown in the approved biodiversity metric will be delivered as the part of the development shall be submitted to and approved in writing by the Local Planning Authority. It should address the aspirations of NPPF in achieving overall net gain for biodiversity, along with details on how it is planned to incorporate biodiversity as part of the development scheme, how the habitats within the site boundary will be managed to maintain long term biodiversity objectives, and if possible, who will have the management responsibilities. As such the plan shall include the following:
- a) aims and objectives of management;
 - b) location, area and species composition of the habitats shown within the approved metric to be retained, enhanced and created; (which may include the area offsite to the north)
 - c) appropriate management options for achieving target condition for habitats, as described in the approved metric;
 - d) prescriptions for management actions, only definitive measures are acceptable;
 - e) preparation of a work schedule capable of being rolled forward in perpetuity), clearly marked on plan; and
 - f) ongoing monitoring plan and remedial measures to ensure habitat condition targets are met.
 - g) Details of 33 integrated swift boxes, 33 integrated bat boxes (make, model and location), and hedgehog highways.
 - h) the body or organisation responsible for implementation of the Plan and monitoring and remedial measures of the Plan.
- The plan shall be implemented in accordance with the approved details and the programme as approved and the measures shall be maintained and retained thereafter.

Reason: To ensure that the agreed landscaping and biodiversity gains are delivered and maintained in the interests of local biodiversity, ecology and the visual amenity of the site.

20. Prior to site clearance, a Method Statement outlining measures to prevent and control the spread of New Zealand Pigmyweed during any operations should be submitted to the Local Planning Authority for written approval. This statement should adhere to the 'Environmental Management Guidance; Harmful Weeds and Invasive, Non-native Plants: Prevent them Spreading (NE & EA, 2015)'. Development shall proceed in accordance with the approved details.

Reason: To prevent its spread and any legal infringement.

21. Notwithstanding the information submitted with the application, prior to commencement of development except from enabling works (see enabling works informative for definition), full landscape details shall be submitted and approved in writing by the Local Planning Authority and 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 associated structures and equipment and any hardscaping proposed
- d) details of any earthworks proposed
- e) detailed planting specification schedule for the area on the Northern Open Space Planting Plan (drawing no. 6729.NOS_PP.4.0) plan including the attenuation basin and northern boundary of the housing site (including sizes, numbers/densities, species, maturity and location of trees/shrubs/plants and sufficient specification to ensure successful establishment and survival of new planting).

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

22. 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.

23. Notwithstanding the approved plans, prior to occupation of any of the proposed properties along the southern boundary, full details of the boundary treatment along the boundary with no. 9 High Street shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to occupation of the properties hereby approved with a boundary with no. 9 High Street.

Reason: To protect the living conditions of the occupiers of the neighbouring property.

24. Before the commencement of any works on the site a detailed Arboricultural Method Statement, which expands on Appendix C (Tree Protection Plan) of the Arboricultural Impact Assessment dated July 2022 – 10024_AIA.002 Rev. B, alongside detailed planting proposals shall be submitted and approved in writing by the Local Planning Authority. The Arboricultural Method Statement should address matters including: specification for tree protection barriers, including revisions to barrier locations; a schedule of tree works; works within RPAs; phasing of work; a scheme for auditing tree protecting and subsequent reporting to the LPA should feature explicitly throughout. Detailed Tree Protection Drawings should be prepared to 1: 500 scale to support the Arboricultural Method Statement, with detail given of proposed levels and service routes. The Arboricultural Method Statement shall include a detailed scheme the protection of existing trees and hedges to be retained and an accompanying programme for implementation of the scheme.

The scheme shall be implemented and maintained in accordance with the details as approved and in accordance with the agreed programme. Any tree or hedge removal shall be limited to that specifically approved.

Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement.

The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

25. 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.

26. 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.

27. Prior to commencement of any above ground construction works, full details of the external materials to be used in the facings all buildings, and including their roofs, shall be submitted to and be approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

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

28. Prior to commencement of any above ground construction works, a scheme shall be submitted and approved in writing by the Local Planning Authority for the provision of Photovoltaics as part of a building regulations compliant scheme. The approved scheme shall be implemented on site.

Reasons: To reduce carbon emissions.

29. Prior to the commencement of the erection of the electricity substation, full external details of the building, and of associated enclosures and works, shall be submitted to and be approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved

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

30. Prior to the commencement of the erection of the garden sheds, full external details of the proposed garden sheds (including elevation and floor plans and locations of sheds on a site layout plan) have been submitted and approved by the Local Planning Authority. 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.

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C, E and F of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority (excluding the sheds, details of which to be submitted under Condition 30).

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

32. No development shall take place until details of a scheme for the provision of fire hydrants to serve the relevant phases of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The provision and installation of fire hydrants, at no cost to the County or Fire & Rescue Service.

Reason: To ensure all proposed dwellings have adequate water supplies for in the event of an emergency.

33. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy carried out by WSP reference 70050600 dated December 2021 and the following mitigation measures;

1. Implement drainage strategy based on deep borehole soakaways.
2. Limiting the surface water run-off generated by the 1 in 100 year + climate change event critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
3. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
4. Implement drainage strategy as indicated on the drainage strategy drawing reference 0600-D-06 to include deep bore soakaways, swale, and basin with a sediment forebays

Reason: To reduce the risk of flooding to the proposed development and future occupants.

34. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall be based on the approved Flood Risk Assessment and Drainage Strategy carried out by WSP reference 70050600 dated December 2021. The scheme shall also include:

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.

2. Provision of half drain down times within 24 hours
3. Provision of above ground features as such permeable paving in areas of hardstanding.
4. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
5. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

35. Upon completion of each phase of the drainage works, a complete set of as built drawings for the site drainage management should be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:
 1. Final confirmation of management and maintenance requirements
 2. Provision of complete set of as built drawings for both site drainage and overland flow route management.
 3. Details of any inspection and sign-off requirements for completed elements of the drainage system.

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

36. Except from enabling works (see enabling works informative for definition), no development, shall take place until details of a Surface Water Drainage Scheme that prevents contamination of any public water supply abstractions present should be provided. The scheme shall demonstrate an appropriate management/treatment train for all surface water of at least three stages of treatment prior to discharge to the site's soakaways. This shall be submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water.

Reason: Surface water drainage can mobilise contaminants into the aquifer through infiltration in areas impacted by ground contamination. Surface water also has the potential to become contaminated and can enter the aquifer through open pathways, either created for drainage or moved towards existing open pathways where existing drainage has reached capacity. All have the potential to impact public water supply.

37. If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority in consultation with Affinity Water. The remediation strategy shall be implemented as approved with a robust pre and post monitoring plan to determine its effectiveness.

Reason: To ensure that the development does not contribute to unacceptable concentrations of pollution posing a risk to public water supply from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater and/or surface water

38. No dwelling shall be occupied until a scheme setting out details of all on-site household refuse and recycling storage and collection facilities (and including details of any enclosures or screening) to serve each dwelling have been submitted to and been approved in writing by the local planning authority. The scheme shall also include arrangements for management of any other waste generated by the development. All such facilities shall be provided in accordance with the approved details prior to the first occupation of the corresponding dwellings and shall be maintained and retained thereafter.

Reason: To facilitate refuse and recycling collections, to protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

39. No development shall take place until a Site Waste Management Plan (SWMP) for the site has been submitted to the Local Planning Authority and approved in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved SWMP.

Reason: This is a pre-commencement condition to promote sustainable development and to ensure measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

40. Notwithstanding the information submitted, prior to the commencement of the construction of the attenuation basins (SUDS feature) in the north-west corner of the site, plan(s) showing the technical drainage construction details (including sections) of both the large and small attenuation basins (SUDS Feature) shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented on site.

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

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process 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.

INFORMATIVES

1. Enabling works Informative

Enabling works: the preparation of a site in readiness for the first stage of development: this includes (i) surveying, (ii) environmental and hazardous substance testing and sampling (including the making of trial boreholes, sampling and test pits in connection with such testing) (iii) soil tests, (iv) pegging out, (v) tree protection, (vi) ecological survey and mitigation works, (vii) archaeological investigation and (viii) demolition and removal of buildings and other structures on the site and site set up.

2. Highways Informatives

Off-site highways work Informative

The off-site highways works referred to in condition 13 above shall include upgrades to the two existing bus stops closest to the site along the B656, to include raised Kassel kerbing and a pedestrian dropped kerb / tactile paved crossing point between them over the B656, widening the existing footways, and tactile paving over Tower Road, as indicated on the drawing Ref-0600SK04-2021, Rev-P02, in Appendix G.1 of the Transport Statement dated December 2021.

The details of these off-site highways works need to be completed in accordance with an approved S278 Agreement with the Highway Authority, prior to the occupation of any dwelling forming part of the development.

Other Highways Informatives

AN1) Planning Obligation:

Planning permission to be granted subject to completion of a Section 106 Agreement between the applicant, North Herts District Council and Hertfordshire County Council to secure the following:

1.A financial contribution of £236,763, which will be used in the following manner.

☐ Bus Service Contribution of £ 95,000 to enhance bus services in Codicote , index linked by RPI to January 2019, to improve the 44/45 and 314/315 bus routes or other such services that route through Codicote. This should be paid before commencement of the development.

☐ Sustainable Transport Contribution of £141,763 index linked by SPONS to January-2019 and paid before commencement of the development, for improvement of sustainable travel corridor along B656 between Welwyn Garden City and Hitchin (Project identified in the Growth and Transport Plan: South Central package 15 scheme SM210).

2 Car Club - Car Club Bay: Prior to the first occupation of the development hereby permitted a Car Club Bay and vehicle as described in the para 5.3.3 of Transport Statement December 2021 shall be provided, and such bay and vehicle thereafter be maintained. Also, valid evidence of such arrangement with Enterprise shall be provided and approved by LPA with respect of providing an enterprise car club vehicle on the site. Reason: To reduce the level of car ownerships on site.

AN2) Construction standards for works within the highway: The applicant is advised that 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 requirement as part of the offsite s278 works includes but is not limited to:

☐ Improvements to the existing access junction.

☐ Improvements to the two bus stops - Provision of Kassel kerbs at the existing two bus stops onto Codicote High Street opposite of Tower Road

☐ Provision of tactile paving at the junction with Tower Road.

☐ Widening of the existing footway along the B656 towards the two bus stops.

☐ Provision of pedestrian connection towards the permissive path (to north-west of the site);

☐ Two new pedestrian crossings in High Street (1 x towards the permissive footpath and 1 x towards the northbound bus stop)

☐ New public footway along the western boundary side connecting with the new shared path to the north of the site.

AN3) 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.

AN4) Roads to remain private: The applicant is advised that all new roads* / the access routes marked on the submitted plans * / the access routes 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.

AN5): Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

AN6): Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047

3. EV Recharging Infrastructure Informative

1) EV Charging Point Specification:

A 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)

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

☐ 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).

☐ 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.

□ A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at

https://www.gov.uk/government/organisations/office-for-low-emission_vehicles

□ UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov consultation response.

4. Environmental Health Informatives

During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

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.

5. Land contamination Informative

The Environmental Protection Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on

Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.north-herts.gov.uk by searching for contaminated land.

6. Thames Water Informative

Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>.

7. Affinity Water Informatives

No mains running through the proposed development site have been identified. If the development goes ahead as proposed, the applicant/developer will need to get in contact with our Developer Services Team for any queries related to asset protection measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or ds@affinitywater.co.uk.

Due to its location, Affinity Water will supply drinking water to the development in the event that it is constructed. Should planning permission be granted, the applicant is also advised to contact Developer Services as soon as possible regarding supply matters due to the increased demand for water in the area resulting from this development.

To apply for a new or upgraded connection, please contact our Developer Services Team by going through their My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water mains plan is required, this can also be obtained by emailing maps@affinitywater.co.uk. Please note that charges may apply.

8. Waste and Recycling Informative

Further advice on waste provision for developments is available on our website. <http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision> this included details of the required capacity at each property.

Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.

Storage areas should be conveniently located with easy access for residents - residents should not have to take their waste and recycling more than 30 metres to a bin storage area, or take their waste receptacles more than 25 metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

For flats, bins should be ordered direct from the Council's contractor 10 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

For houses, bins should be ordered direct from the Council's contractor 2 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.

Pull distances from the storage point to the collection point should not be within close proximity to parked cars.

The applicant should note that collections occur from the kerbside and residents will be required to present their bins in this location on collection day.

Consideration should be given to parking arrangements alongside or opposite the access to individual streets. If car parking is likely in the vicinity of junctions then parking restrictions may be required to ensure access is not inhibited.

Separate internal storage provision for waste should be provided in kitchen areas to support the recycling of different waste streams to support the National Planning Policy for Waste's requirements to support driving waste up the waste hierarchy.

The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre for four-wheeled bins this should be 1.5 metres wide (including doorways), with a maximum gradient of 1:12.

We do not advise the use of bin compactors, as they often cause excessive damage to bins or cause waste to get stuck inside bins. If bin compactors are used on site you should advise your waste collection contractor. Large scale waste compactors may be appropriate for industrial units.

For flats and commercial properties:-

Doors to bin stores should be sufficient in widths to allow the movement of bins at their widest and prevent entrapment of limbs. This is likely to be a minimum of 20cm in addition to the widest bin contained in the bin store.

Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available. Doors should ideally be keypad entry or standard fire brigade keys. We do not support the use of electronic key fobs.

















Bins in communal bin stores should be manoeuvrable to the refuse collection vehicle without the need to move other bins.

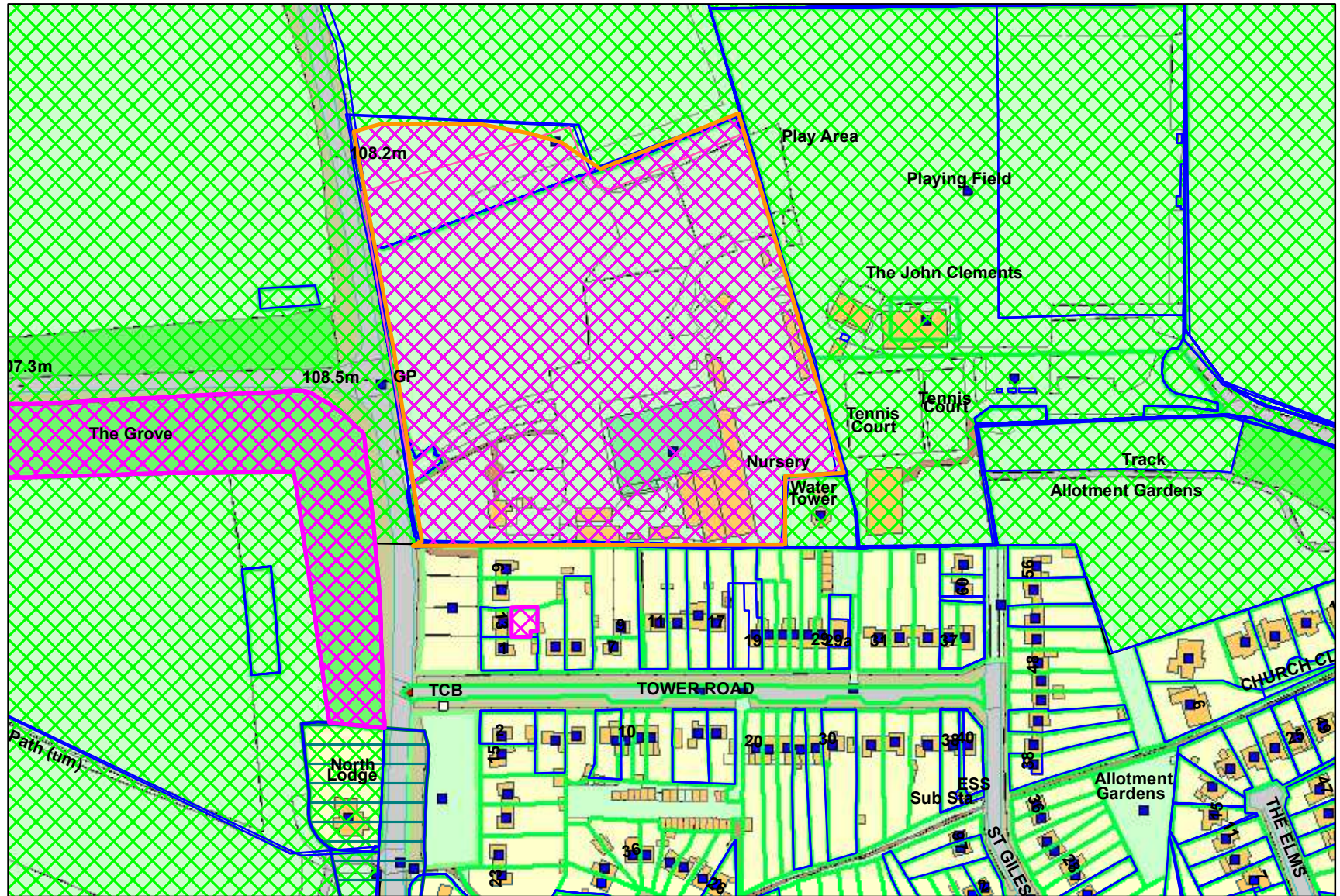
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NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

19/01448/FP Former Wyevale Codicote Garden Centre, High St, Codicote, Hitchin, SG4 8XA

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prlistbld.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp
-  Conservation Area
Prcaarea.shp
-  District Local Plan Boundary
Prdlp2.shp
-  Green Belt
Prgrnbtl.shp
-  Health & Safety Consultation Zone
Prhjszone.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prnnis.shp
-  Indicative Flood Plain
Prifpm.shp



Scale 1:2,500
Date: 17/10/2019

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| | |
|-------------------|--|
| <u>Location:</u> | Odyssey Health Club Old Knebworth Lane Knebworth Hertfordshire SG2 8DU |
| <u>Applicant:</u> | Mr Daniel Rodgers |
| <u>Proposal:</u> | Variation of condition 2 (revised plans) and condition 17 (access arrangements) of planning permission 19/01244/FP granted 04/11/2020 for Redevelopment of the site to provide 86 dwellings (12 x 2 bedroom houses, 12 x 3 bedroom houses, 18 x 4 bedroom houses, 25 x one bedroom apartments, and 19 x 2 bedroom apartments), associated landscaping, car-parking, the provision of a large new public open space and the creation of a new vehicular access off the B197 Stevenage Road following demolition of the former indoor bowling building and several ancillary buildings. Rearrangement of the existing car parking provision for existing Odyssey Health and Racquet Club to provide 141 car parking spaces and alterations to existing vehicular access to Odyssey Health Club from Old Knebworth Lane. |
| <u>Ref. No:</u> | 22/02450/S73 |
| <u>Officer:</u> | Tom Rea |

Date of expiry of statutory period: 14th December 2022

Reason for Delay

N/A

Reason for Referral to Committee

The site area for this application for residential development exceeds 0.5ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

1.0 Site History

- 1.1 16/00813/1: Residential redevelopment of the site to provide 70 dwellings (14 x 2 bedroom houses; 19 x 3 bedroom houses and 9 x 4 bedroom houses; 16 x one bedroom apartments; 12 x 2 bedroom apartments), associated landscaping, car parking and the creation of a new vehicular access off the B197 Stevenage Road following demolition of the former indoor bowling building and several ancillary buildings. Rearrangement of the existing car parking provision for existing Odyssey Health and Racquet Club to provide 141 car parking spaces and alterations to existing vehicular access to Odyssey Health Club from Old Knebworth Lane.

- 1.2 19/01244/FP: Redevelopment of the site to provide 86 dwellings (12 x 2 bedroom houses, 12 x 3 bedroom houses, 18 x 4 bedroom houses, 25 x one bedroom apartments, and 19 x 2 bedroom apartments), associated landscaping, car-parking, the provision of a large new public open space and the creation of a new vehicular access off the B197 Stevenage Road following demolition of the former indoor bowling building and several ancillary buildings. Rearrangement of the existing car parking provision for existing Odyssey Health and Racquet Club to provide 141 car parking spaces and alterations to existing vehicular access to Odyssey Health Club from Old Knebworth Lane. Granted 4.11.20

2.0 Policies

2.1 National Planning Policy Framework (2021)

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 6: Building a strong competitive economy
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

2.2 North Hertfordshire District Local Plan 2011 – 2031 (Adopted 8th November 2022)

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy
Policy SP5: Countryside and Green Belt
Policy SP7: Infrastructure requirements and developer contributions
Policy SP8: Housing
Policy SP9: Design and sustainability
Policy SP10: Healthy communities
Policy SP11: Natural resources and sustainability
Policy SP12: Green infrastructure, biodiversity and landscape
Policy T1: Assessment of transport matters
Policy T2: Parking
Policy HS2: Affordable Housing
Policy HS3: Housing Mix
Policy HS5: Accessible and Adaptable Housing
Policy D1: Sustainable design
Policy D3: Protecting living conditions
Policy D4: Air quality
Policy NEx: Strategic Green Infrastructure
Policy NE1: Landscape
Policy NEx: Biodiversity and geological sites
Policy NEx: New and improved open space
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE9: Water quality and environment
Policy NE10: Water conservation and wastewater infrastructure
Policy HE4: Archaeology

Design SPD
Planning Obligations SPD
Vehicle Parking Provision at New Development SPD (2011)

2.3 Hertfordshire County Council

Local Transport Plan (LTP4 – adopted May 2018)

2.4 National Planning Practice Guidance

Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

2.5 Knebworth Neighbourhood Plan

The Knebworth Neighbourhood Plan Area was 'made' in May 2022. The NP Area includes the application site.

3.0 Representations

3.1 Knebworth Parish Council:

The Parish Council comments that it has **no objections** because the same number of spaces are provided. It notes the following:

- Concerned at loss of some of the green space as a result of the provision of parking spaces. Request a condition be attached to any consent preventing further erosion of the greenspace for development or additional parking
- Requests a condition that no further development is permitted within the roofspace
- Request funding for village hall improvements

3.2 Stevenage Borough Council:

Comment - 'No objections'

3.3 Lead Local Flood Authority (Hertfordshire County Council) :

Advises that Hertfordshire County Council as Lead Local Flood Authority (LLFA) have reviewed the application and does not have significant concerns regarding the existing flood risk on site. There is not obvious potential for the proposed development on the site to reduce existing flood risk in the surrounding area. These proposals would not increase the flood risk on site or off site, provided national and local SuDS/surface water drainage requirements are considered in the site design.

3.4 Hertfordshire Highways

Advises that the revisions shown are acceptable and does not wish to restrict the variation of condition 17 of the approved planning permission ref: 19/01244/FP

3.5 Hertfordshire Ecology

No response

3.6 NHDC Environmental Health officer (Noise)

Advises no objections

3.7 NHDC Housing Supply Officer

Confirms that the number of affordable units remains the same and this is an improvement to the scheme. Provided general advice on Section 106 and management requirements

3.8 Hertfordshire County Council (Growth & Infrastructure team)

Confirm that HCC are aware of an existing S106 agreement dated 3rd November 2020 On behalf of early years provision; primary and secondary education; SEND, library, youth, waste, HFRS and adult care services, the Growth and Infrastructure Unit has no further comments to make on this application

3.9 Anglian Water:

Advises that the conditions do not relate to drainage matters therefore provide no comment.

3.10 Affinity Water:

No comments to make

3.11 Site Notice / Neighbour consultation:

No comments have been received from Members of the public regarding this planning application.

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 3.94 hectares of land.

4.1.2 The planning application site consists of most of the Health Club grounds, including the disused bowls club, five-a-side football area, car parks and disused land and buildings. The site excludes the existing main health club building and outdoor tennis courts which remain in full operation.

4.1.3 The whole of the application site is within the Green Belt.

4.2 Proposal

4.2.1 This application seeks a variation to the planning permission ref: 19/01244/FP through an alteration to the approved plans mainly relating to the design of the affordable housing block at Plots 65 – 86 and consequent changes to the parking layout across parts of the site due to relocating the undercroft parking for Plots 65 – 86. Conditions 2 (Approved Plans) and 17 (Construction of access roads and footways and proposed roundabout / highway connections) of planning permission 19/01244/FP are required to be varied.

4.2.2 The application is accompanied by a Design Development Document which explains in detail the design issues with the approved scheme and the proposed design and layout solutions.

4.3 Key Issues

- 4.3.1 Given the extant planning permission this report will only focus on the detail of the proposed amendments to the approved development under planning permission ref: 19/01244/FP.

There is no change to the overall quantum of development (86 dwellings), the number of parking spaces or the majority of the site layout and the design, scale and external appearance of the approved scheme. The changes relate to the proposed affordable housing block (Housing units 65 – 86) located along the north eastern boundary and consequent changes to the site layout as a result of the re-allocation of parking spaces.

The applicants have identified several design issues and omissions in the approved scheme for units 65 – 86 and these are explained below together with the amended design proposals.

4.3.2 **Design problems and omissions**

- 4.3.3 The design problems and omissions are set out in detail in the supporting 'Design Development Document' however these can be summarised as follows:

- Insufficient size and number of service risers impacting on the undercroft parking area
- Insufficient headroom for communal stair access
- Poor accessibility and design for bin and cycle stores and potential conflict between pedestrian and vehicular movement.
- Drainage runs would reduce number of parking spaces
- The approved structure has not taken into account required service voids and number of columns / structural walls required resulting in further loss of parking
- No convenient and safe access is provided from the communal stairwell into the undercroft car park

4.3.4 **Design solutions**

- 4.3.5 The main change required to ensure the buildability of block 65 – 86 is to remove the undercroft parking and effectively move all floors of accommodation down one floor using the ground floor undercroft area as habitable accommodation.

- 4.3.6 The exterior of the building will be quite similar to the existing design with the main interventions being the removal of roof dormers and the infilling of the previously proposed ground floor openings. There will be no apartments in the roofspace. The ground floor fenestration will follow the setting out / design as those above.

- 4.3.7 The new ground floor will accommodate secure cycle parking and bin storage as well as 6 apartments. The ground floor will include additional entrances. The first and second floors are of similar design and layout as the approved drawings.

- 4.3.8 The staircase has been redesigned to provide acceptable headroom space. The overall height and footprint of the block is retained as approved.

4.3.9 **Changes to site layout / parking / access**

- 4.3.10 As a result of the amendments to Plots 65 – 86 the parking has been reallocated across the site. The total number of parking spaces stays the same as approved across the site including visitors and parking to serve Odyssey Health Club.

4.3.11 The re-allocated parking is now as follows:

- Parking for plots 65 – 86 is now located directly outside the apartment block
- Parking for plots 43 – 64 is now moved in front of the building
- Visitor parking is moved to a more central position in the development
- The main car park for the health club has been increased to maintain the quantum of 141 spaces
- The amount of trees provided remains the same as previously approved

4.4 **Conclusions on proposed changes**

- 4.4.1 The proposals involve necessary changes to Plots 65 – 86 as a result of design deficiencies in the approved scheme that would have meant the structure of the building was compromised together with potential safety issues arising from pedestrian and vehicular conflict within the undercroft parking area.

The design changes maintain the same scale, height and footprint of the building and a similar design approach. Whilst there is some encroachment into the landscaping / green areas around the site, these are limited and restricted mainly to the green areas adjacent to existing parking and access roads. There is no major incursion into the open space allocated within the site. There would be very little, if any, impact beyond the site boundaries arising from the proposed changes to the approved scheme

Given the generally limited nature of the proposed changes with this Section 73 application I recommend that planning permission be granted for this important residential scheme that can deliver 86 much needed dwellings, including affordable housing, in this sustainable, edge of urban location.

4.5 **Planning Conditions**

- 4.5.1 Development has commenced on the site following the previous grant of planning permission and several of the pre-commencement conditions on permission ref: 19/01244/FP discharged, therefore there will be some modifications required to several of the conditions.
- 4.5.2 The Parish Council has requested additional conditions restricting further parking and development within the roofspace of Plots 65 – 86. These are not necessary as planning permission would be required for these matters and the Parish Council consulted accordingly. The request for an additional Section 106 contribution (for village hall lighting) is being considered by the applicants and will be formalised, if agreed, within the revised Section 106A Legal Agreement

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 to the completion of a satisfactory amendment to the approved Section 106 Agreement, the applicant agreeing to an extension of time to the statutory period as appropriate and the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of the original planning permission ref: 19/01244/FP.

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. The materials to be used on all external elevations and the roof of the development hereby permitted shall be as submitted under discharge of condition application ref: 22/01363/DOC and as approved in writing by the Local Planning Authority on 15.09.22. The development shall be carried out in accordance with the approved details.

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

4. The hard and soft landscaping to be used on the development shall be as submitted under discharge of condition application ref: 22/01375/DOC and as approved in writing by the Local Planning Authority on 15.09.22. The development shall be carried out in accordance with the approved details.

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.

5. 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.

6. 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.

7. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class(es) A-F of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

9. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage strategy. The surface water drainage scheme should include;
 1. Implementing the appropriate drainage strategy based on attenuation and discharge into the ordinary watercourse.
 2. Limiting surface water discharge to a maximum of 14.75l/s for the 1 in 100 year event plus 40% for climate change
 3. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
 4. Undertake the drainage to include filter trenches, swales/ditches, porous paving and attenuation basins.

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

10. The development shall be carried out in accordance with the drainage scheme submitted under discharge of condition ref: 22/01415/DOC and approved in writing by the Local Planning Authority on 15.09.22

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

11. Upon completion of each phase of the drainage works, a complete set of as built drawings for the site drainage management should be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include: 1. Final confirmation of management and maintenance requirements 2. Provision of complete set of as built drawings for both site drainage and overland flow route management. 3. Details of any inspection and sign-off requirements for completed elements of the drainage system.

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

12. The development shall be carried out in accordance with the sound insulation and noise control measures submitted under discharge of condition ref: 22/01287/DOC as approved by the Local Planning Authority on 22.09.22.

Reason: To protect the amenities of future residents

13. A detailed lighting scheme shall be undertaken and submitted to the Local Planning Authority for approval with details of all external lighting required for the re-arranged car park serving the Odyssey Health and Racquet Club and there shall be no external illumination erected, installed or operated on any part of this area other than in accordance with these approved details.

Reason: To protect the amenities of future residents.

14. The following limits shall not be exceeded by the exterior light installations for the re-arranged car park serving the Odyssey Health and Racquet Club: 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- 07.00hrs 1 Building Luminance 07.00- 23.00hrs Average, L (cd/m²) 10

Reason: To protect the amenities of future residents.

15. The development hereby permitted shall not commence until the details of the proposed roundabout access works have been provided as identified on the 'in principle' roundabout access arrangement drawing numbered SK 13 revision A which shall include proposed additional bus stops that are to be placed along the Stevenage Road as part of the application. These details should show how the roundabout access works are to be connected to the development's footways with easy access kerbs and shelters provided as appropriate. The exact location of the bus stops and accommodating works such as additional footways, crossing points, white lining and directional signing will need to be agreed in conjunction with appropriate parties and these facilities shall be designed to meet appropriate accessibility standards and be constructed as in accordance with the details as contained on the Herts Direct web site. These works shall be secured and undertaken as part of the S278 works with the ultimate design being technically approved prior to commencement on site to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in order to meet accessibility requirements for passenger services for the development in accordance with Roads in Hertfordshire 'A Guide for New Developments.(section 2 part 1 chapter 9 para 9.4) and to further encourage sustainable modes of transport. In accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018)

16. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018)

17. The development hereby permitted shall not be brought into use until the proposed access roads and footways have been constructed to wearing course as identified on drawing number P101 revision K and connected to the proposed roundabout and the existing carriageway has been reinstated to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: To ensure satisfactory access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

18. The development shall be carried out in accordance with the submitted Construction Management Plan (or Construction Method Statement) under discharge of condition ref: 22/01364/DOC

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

19. The development hereby approved shall be carried out in accordance with the sustainability, energy efficiency and carbon reduction measures set out in the submitted Sustainability Statement and Energy Assessment reports by Sol Environmental, October 2019.

Reason: To ensure compliance with Section 14 of the NPPF and the District Council's Climate Change strategy.

20. The development shall be carried out in accordance with the Site Investigation (Phase II environmental risk assessment) report as submitted under discharge of condition ref: 22/01805/DOC.

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.

21. The development hereby permitted shall be carried out in accordance with the Secure by Design details / accreditation as submitted to the Local Planning Authority under discharge of condition application ref: . 22/01444/DOC

Reason: In the interests minimising crime associated with the development.

22. The development hereby permitted shall be carried out in accordance with the submitted ecological design strategy (EDS) as approved by the Local Planning

Authority under discharge of condition application ref: 22/01573/DOC

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

23. (a) Prior to occupation, each house within the development (42 in total) shall incorporate an Electric Vehicle (EV) ready domestic charging point. (b) Prior to occupation, 1 dual plug post or wall mounted electric vehicle charging point shall be installed per parcel (2) of apartments to serve the residents of those apartment blocks. There shall be dedicated, marked up and signed parking bays, positioned adjacent to those charging points and a process will be put in place to ensure the ongoing maintenance and management of the charging points. (c) A minimum of 2 dual plug post or wall mounted electric vehicle charging points shall be installed to serve the users of the Health Club. There shall be dedicated, marked up and signed parking bays, positioned adjacent to those charging points and a process will be put in place to ensure the ongoing maintenance and management of the charging points

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.

24. Prior to its installation full details of the proposed roof mounted solar PV array system to be provided as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure compliance with the submitted Energy Assessment and in the interests of safeguarding the appearance of the development'

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:

Environmental Health Informatives:

EV Recharging Infrastructure Informative

EV Charging Point Specification:

Each charging point, whether wall or post-mounted 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 termination 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)
- 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.

Contaminated Land Informatives

In order to protect groundwater quality from further deterioration:

- o No infiltration-based sustainable drainage systems should be constructed on land affected by contamination, as contaminants can remobilise and cause groundwater pollution.
- o Piling, or any other foundation designs using penetrative methods, should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.
- o Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies, in line with paragraph 170 of the National Planning Policy Framework.

Noise informatives:

During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the demolition and construction 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.

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

Highway Informatives :

HCC recommends inclusion of the following highway informatives to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

1. Works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication Roads in Hertfordshire Highway Design Guide. Before proceeding with the proposed development, the applicant shall contact hertsdirect@hertscc.gov.uk or www.hertsdirect.org or call on 0300 1234 047 to obtain the requirements for a section

278 agreement for the associated road works as part of the development. This should be carried out prior to any development work is carried out.

Reason: To ensure that work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the Public Highway.

2. Prior to commencement of the development the applicant is advised to contact the 0300 1234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

Ecology Informative(s)

The removal of trees & shrubs should be avoided during the bird breeding season (March to September inclusive.) If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the last chick has fledged."

Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites."

New trees and shrubs should be predominantly native species, particularly those that bear blossom, fruit (berries) and nectar to support local wildlife. Where non-native species are used they should be beneficial to biodiversity, providing a food source or habitat for wildlife.

GCN Terrestrial habitat

Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for Great Crested Newts to cross. Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. In the unlikely event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

















Environment Agency Informatives:

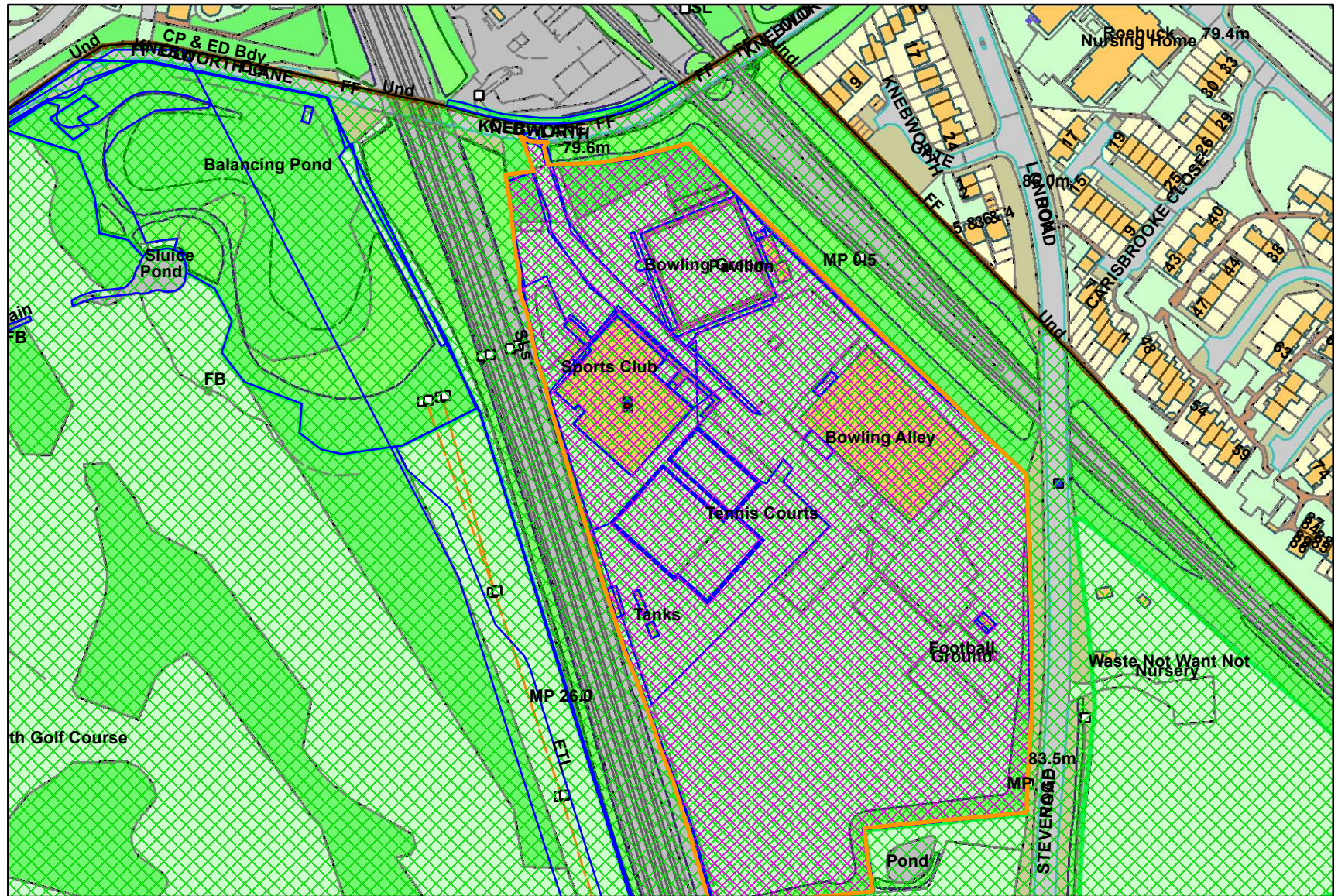
The developer's attention is drawn to the comments of the Environment Agency in their letter dated 20th June 2019 particularly in relation to infiltration based sustainable drainage systems, piling or other foundation designs using penetrative methods and decommissioning of investigative bore holes. A copy of the letter is placed on the Council's web site and a copy is available on request from the LPA.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

22/02450/S73 Odyssey Health Club, Old Knebworth Lane, Knebworth, Hertfordshire, SG2 8DU

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prlistbld.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp
-  Conservation Area
Prconrea.shp
-  District Local Plan Boundary
Prdlp2.shp
-  Green Belt
Prgrnblt.shp
-  Health & Safety Consultation Zone
Prjhzone.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prnnis.shp
-  Indicative Flood Plain
Prfipm.shp



Scale 1:2,500

Date: 28/11/2022

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| | |
|-------------------|---|
| <u>Location:</u> | Ickleford Mill Arlesey Road Ickleford |
| <u>Applicant:</u> | Mr Isaacson |
| <u>Proposal:</u> | Outline Planning application for up to 71 dwellings and associated access, car parking, garages, landscaping and open space including demolition and removal of all existing structures, buildings and hardstanding (all matters reserved except means of access). - Planning update note available to view. |
| <u>Ref. No:</u> | 17/01955/1 |
| <u>Officer:</u> | Peter Bull |

Date of expiry of statutory period: 20 November 2017

Extension of statutory period: 20 January 2023

Reason for delay:

The application stalled because agreement could not be reached on viability and affordable housing issues and more recently also because the applicant wanted to concentrate on its core business during Covid-19. These matters have now been resolved and the application can be determined.

Reason for referral to Committee:

The site area for this application for development exceeds 0.5 ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

Due to the age of the application, the relevant Direction for referral to the Secretary of State is set out in Circular 02/09: The Town and Country Planning (Consultation) (England) Direction 2009. Although the application includes inappropriate development within the Green Belt, it does not involve (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. For the avoidance of doubt, the inappropriate development of the proposal relates to a small pumping station adjacent to the vehicular access. In the circumstances, referral to Secretary of State for Levelling Up, Housing and Communities is not necessary.

None relevant

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011-2031**

Policy SP1: Presumption in favour of sustainable development
Policy SP2: Settlement Hierarchy
Policy SP5: Countryside and Green Belt
Policy SP6: Sustainable Transport
Policy SP7: Infrastructure requirements and developer contributions
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP10: Healthy Communities
Policy SP11: Natural Resources and Sustainability
Policy SP12: Green infrastructure, biodiversity and landscape
Policy D1: Sustainable Design
Policy D3: Protecting living conditions
Policy D4: Air Quality
Policy HS3: Housing mix
Policy NE1: Landscape
Policy NE8: Sustainable Drainage Systems
Policy NE12: Renewable and low carbon energy development
Policy T1: Assessment of Transport matters
Policy T2: Parking

2.2 **National Planning Policy Framework (2021)**

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 6: Building a strong competitive economy
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 13: Protecting Green Belt land
Section 14: Meeting the needs of climate change
Section 15: Conserving and enhancing the natural environment

2.3 **Supplementary Planning Guidance**

Design SPD
Planning Obligations SPD
Vehicle Parking Provision at New Development
North Hertfordshire and Stevenage Landscape Character Assessment

2.4 **Hertfordshire County Council** Page 110

2.5 Ickleford Parish Council Neighbourhood Plan

The IPCNP Area was designated in September 2014. The Plan is currently in its early consultation stages and as it is not adopted or part of the Development Plan for the district at this stage, does not carry any material weight in the determination of planning applications.

3.0 Representations

3.1 Statutory consultees:

Ickleford Parish Council:

No objection to the principle of redevelopment although a number of concerns are raised on technical matters which assurance are sought on and therefore maintains a strong objection until these are satisfactorily resolved:

1. We note that the Green Belt areas within the scheme are designated for Open Spaces and would therefore like assurances that this undertaking would be adhered to and not used for future development. To protect against this possibility, we are seeking that these Open Spaces should be gifted to Ickleford Parish Council in perpetuity and to maintain its availability in the public realm and for the common good. This is in accordance with NPPF items 79 and 80 (Protecting Green Belt land).

2. There still appears to be a lack of understanding from the developers with regard to safety access for pedestrians from the development and the situation regarding bus stops and pedestrian crossings (as per NPPF 32 – safe and suitable access to the site for all people):

2.1 One proposed bus stop, in the direction of Hitchin, is situated just before the narrow bridge, on a bend and where there is insufficient space to accommodate a bus shelter; the second, in the direction of the village centre, is situated close to a very busy and narrow triangle junction. In neither case has consideration been given to road congestion, passing traffic or pedestrian visibility/safety, whilst the buses are stationary at the stops.

2.2 Similarly, the zebra crossing, at present located beyond the main road access from the development and on a narrow bend, is still considered to be the most inappropriate and dangerous siting. In particular, anyone wishing to walk into the village will first have to walk in the direction of Hitchin to cross the road and then walk back. Children are notorious for finding the shortest route.

2.3 It is our considered opinion that a zebra crossing must be activated by the

person(s) wishing to cross e.g. a Pelican Crossing. This would stop all traffic from both directions, allowing safe travel. It must be borne in mind that this crossing will be used by young children travelling to school and recreation; parents with young children and prams; the elderly; and people with disabilities including those using wheelchairs and with impaired sight.

2.4 It is likely from the drawings that the intended 'Emergency Access' will be the most popular exit for pedestrians. Clarification is therefore sought from the developer as to how they see these pedestrians crossing the road safely from this point, which is shown to exit onto a very dangerous part of Arlesey Road; parents with prams, children going to school/recreation, the elderly, and those with disabilities must be considered, some of who may wish to catch the southbound or northbound buses. At present, because of privately owned land, there is no provision to create a footpath on the west side of Arlesey Road as it enters the village.

2.5 The present narrow bridge already constitutes a measure to slow traffic, and whoever produced the drawings detailing the bus stops, crossing and emergency access point, has obviously no knowledge of the village road system. We should certainly resist any suggestion of widening the bridge to accommodate their suggestions.

3. Given also the close proximity of the new houses to the River Oughton, which is one of 200 of the world's rare and protected chalk streams, the Parish Council would like to ask the developer if a SuDs system will be incorporated to ensure that surplus rainwater from houses etc., does not flow into the river and create flooding further downstream where a weir is encountered before the River Oughton converges with the River Hiz, which is also a protected chalk stream. Since road run-off water with its many contaminants can lead to fish-kill, what assurances can the Developer give that every precaution will be put in place to stop this run-off water from entering the chalk streams?

4. It has been noted that a building is to be demolished which adjoins the old Mill wall. Can assurances be given that the wall will be protected, given that it is also part of the boundary wall to the neighbouring houses?

As stated earlier, whilst the Parish Council does not object to the development as outlined, we do however, consider there are many serious issues that require addressing. We therefore **STRONGLY OBJECT** to this Planning Application until assurances can be given as above, confirming that every effort will be made to protect the River Oughton from contaminated road run-off water, the Open Spaces from future development, and the safety of the walking public, by careful design and siting.

Waste and Recycling: Advises that details of waste and recycling measures are provided as part of the reserved matters submission.

NHDC Environmental Health officer (contamination): no objection subject to land contamination condition

NHDC Environmental Health officer (air quality):

No objection subject to conditions relating to construction management and Electric Vehicle charging infrastructure.

NHDC Environmental Health officer (noise):

No objection subject to conditions and informatives.

NHDC Housing Supply Officer:

No objections subject to the delivery of 40% affordable housing.

HCC Natural and Built Environment (Archaeology):

Recommends the attachment of archaeological Written Scheme of Investigation conditions should permission be granted.

Hertfordshire Ecology:

No objection in principle subject to surveys being completed and conditions requiring details of Landscape and Ecology Management Plan, wildlife sensitive lighting scheme, hedgehog friendly boundary treatments, walk over badger survey and the provision of 20 bat boxes.

NHS East and North Hertfordshire Clinical Care Commission Group:

Does not require a contribution in this instance.

Natural England:

No objections

Anglian Water

Confirms capacity in existing waste-water treatment plant. Details of foul water drainage should be provided by condition. Surface water matters should be agreed with LLFA. Assets maybe affected by the development and recommends advisory note.

HCC Growth & Infrastructure:

Seeks financial contributions towards Primary education, Nursery education, Childcare service, Secondary education, Special Educational Needs and Disabilities, Library service and Youth service.

Herts CC (Fire and Rescue):

No objection subject to a condition requiring the provision of fire hydrants

Water Officer:

No objection subject to a condition requiring the provision of fire hydrants

Lead Local Flood Authority:

No objection subject to a condition requiring details of the surface water scheme.

Hertfordshire Highways:

No objections to the proposed development subject to conditions, highway informatives and financial contribution to cover of site highway improvements.

Environment Agency:

No response received

Hitchin Forum:

The style and density of the proposal, and the general massing of buildings is supported. Open space should be protected and if possible should be publicly controlled. Existing foul water problems in the village should not be exacerbated by the development and resolved before construction.

Neighbour and Local Resident Representations:

Two consultation processes have been carried out in this application in 2017 and 2022. A total of 6 representations have been received including 1 objection. Contributors were generally supportive of the principle of redevelopment of the site although a number of issues and concerns were raised about technical issues. The issues raised included the following matters :

- ☐ Insufficient sewer capacity for additional surface water drainage from development. Additional drainage and attenuation measures are needed
- ☐ Additional traffic calming measures from the village to the bridge at laurel Way is needed
- ☐ Green belt open space areas should be publicly controlled to ensure their use and management in perpetuity
- ☐ Pumping station is located in Green Belt public open space and should therefore be located below ground level
- ☐ Zebra crossing is unsafe and should be upgraded to pelican crossing and relocated
- ☐ Safety audit is needed
- ☐ Bus stop should be repositioned
- ☐ Additional traffic along narrow Arlesey Road
- ☐ Development will create an additional burden on local health and education facilities
- ☐ Canada geese were not part of habitat and species survey and therefore this should be redone
- ☐ Current unsustainable access from site to village and needs to be improved
- ☐ S106 money should be used to fund health and education improvements
- ☐ Density of development inappropriate
- ☐ Loss of village identity due too scale of development proposed
- ☐ Detailed layout should protect existing residential amenity – noise, disturbance, privacy
- ☐ Existing brick boundary walls should be protected and retained
- ☐ Other proposed allocated housing sites should be reviewed if this site is granted permission
- ☐ Proposed additional housing for village is unsustainable
- ☐ Existing mill wall facing Arlesey Road should be retained

4.1 Site and Surroundings

4.1.1 The application site is a vacant mill located within the village of Ickleford off Arlesey Road to the southern edge of the village. Measuring 3.59 hectare in area, the site comprises a number of detached and linked buildings including mills dating from the 1960s and 1980s, silos, warehouse, food processing facilities, laboratories, offices and yard and car parking areas. The River Oughton runs through the site from east to west. The existing buildings are located within the settlement boundary for the village as defined in the recently adopted Local Plan although the open space areas south of the river and the vehicular access are located within Green Belt. The site contains a number of trees which are located along the road frontage and to the south section of the site.

4.1.2 The village of Ickleford is located north of Hitchin. It has a predominantly residential character with the main built-up area to the north and north-east of the application site.

4.2 Proposal

4.2.1 This application seeks outline planning permission for up to 71 dwellings and associated access, car parking, landscaping and open space including demolition and removal of all existing structures, buildings and hardstanding (all matters reserved except for means of access). The proposals also include the reduction in the width of the existing main vehicular access to the site and other off-site highway works to provide a zebra crossing to the south of the existing access and the provision of footpaths on the western boundary of the site either side of the access. A new secondary access is proposed to the north of the east boundary immediately south of East Lodge.

4.2.2 The application is supported by the following documents:

- ☐ Planning Statement
- ☐ Indicative Masterplan and Design and Access Statement
- ☐ Flood Risk Assessment
- ☐ Ground Conditions Report
- ☐ Ecological Phase 1 Habitat Survey
- ☐ Bat Surveys
- ☐ Transport Statement
- ☐ Noise Assessment
- ☐ Air Quality Assessment
- ☐ Cultural Heritage / Archaeology
- ☐ Design and Access Statement
- ☐ Viability Appraisal (CONFIDENTIAL)

4.2.3 The dwellings will be located on areas of the site currently occupied by mill buildings and other permanent structures with the existing open space to the south retained and unaffected. In addition to the retention of existing trees, new landscaping is proposed throughout the site and along the site boundaries.

- 4.2.4 The submitted illustrative masterplan identifies four 'character' areas for the development of the site – The Mill Quarter with a landmark taller apartment building to the north-east adjacent the road to mimic a traditional mill building, the Riverside Frontage overlooking the river and public open space, Meadow View to the western edge of the site overlooking a smaller area of open grassland and the main Village Quarter set the centre and to the north of the site. Buildings will be maximum of 3 storey with a density of 20 dph. Public Open Space provision would amount to 1.8017 ha.
- 4.2.5 The application is for outline permission with only the means of access being considered. In the circumstances, it does not seek to formally agree housing types and tenures. In addition to pre-application advice with officers, the applicant also organised an exhibition (March 2017) at which members of the community could make comments and suggestions relating to the proposals.
- 4.2.6 Since this application was submitted, a number of the supporting documents have been updated or added to take account of responses received from third parties or because of new policy requirements. These comprise:
- ☐ Revised illustrative layout to illustrate to location of the proposed pumping station
 - ☐ Revised viability report and associated Geo-environmental site investigation report to explain more precise abnormal costings
 - ☐ Revised Planning Statement setting out updated policy position and addressing some third-party issues
 - ☐ Biodiversity Net Gain (BNG) Assessment
 - ☐ Preliminary Energy Assessment
 - ☐ Updated Bat, Otter and Water Vole Surveys
 - ☐ Developable Area Plan
- 4.2.7 Having regard for the passage of time that has elapsed since the application was originally received and these revised documents, a further round of consultation was carried out in the summer of 2022.

4.3 Key Issues

- 4.3.1 The key issues for consideration of this application are as follows:

- ☐ Principle of development including loss of employment land
- ☐ Green Belt impacts
- ☐ Impact upon heritage assets
- ☐ Impact on the character and appearance of the area
- ☐ Residential amenity
- ☐ Highway and access impacts
- ☐ Flooding and drainage
- ☐ Affordable housing
- ☐ Ecology
- ☐ Land contamination

- ☐ Energy and carbon emissions
- ☐ Sustainability assessment
- ☐ Whether there are any Very Special Circumstances
- ☐ Planning obligations
- ☐ Planning balance and conclusion

4.3.2 Principle of development

Loss of employment site

- 4.3.3 The site is a vacant mill (use class B2) located within the settlement of Ickleford. Under Policy ETC2 the Council will only permit the loss of existing employment uses on unallocated sites where it can be demonstrated that the land is not required to meet future employment needs in either the local community or the District; the existing use has a significant adverse impact on the amenities of surrounding land uses; or the existing use is detrimental to highway safety. The mill is not an allocated employment site although it is an established employment use and is therefore policy ETC2 is applicable.
- 4.3.4 In 2015 the applicant undertook an assessment of the strategic options that were available to the Company in relation to the milling division at all their sites including Ickleford. This confirmed that the milling element of the business was making losses largely due to high maintenance and overhead cost associated with operating facilities which are between 35-50 years old; and a very competitive market where a small number of large food companies operate.
- 4.3.5 The company considered a number of options for the business – (i) Retaining the milling operation was discounted due to the high maintenance and capital investment needed and scale and efficiency issues (ii) the development of a new mill was also discounted as the current site would not provide the space to build a new mill and would require extensive borrowing which would be difficult to source as a private company. It would also result in the closure of the old mills in order to build a new one would result in loss of jobs and customers (iii) Sale of trading activities and closure of site although this option would result in some redundancies, and would require on-going maintenance an capital expenditure with continued scale and efficiency issues in a competitive declining market and (iv) the sale of business as a going concern was considered to be the best option for the business.
- 4.3.6 A number of associated milling businesses were approached with offers invited for the business and premises. Parties that were interested, were only interested in acquiring some of the trade and physical assets. There were no offers for the premises and assets at Ickleford. Since the closure of the site in 2015, 16 of the 35 redundant Ickleford Milling staff have been re-deployed into roles within Ingredients across the Company's Ickleford, Hitchin and Bedford sites. In the circumstances, officers accept that reasonable attempts have been made to secure the use of the site being for milling purposes.

4.3.7 Turning to the prospect of alternative more general B2 operators of the site, it is acknowledged that the majority of the buildings on the site are designed to meet the needs of the former milling business and are dated and are coming to the end of their useful economic life. The buildings are considered to have limited appeal to other general B2 operators, and the costs involved in demolishing them and carrying out remediation of the land is also another disbenefit for potential new users. It is also evident that continued use or intensification of the site for B2 general industrial purposes has the potential to cause adverse amenity impacts for residents of the village particularly given the site sits juxtaposed to residential development. It is understood that in addition to the loss of noise and disturbance from the activities at the site, the former milling use historically generated 440 lorry movements per week at its peak. The redevelopment of the site for a non-employment purpose is therefore likely to bring some amenity benefits to the local community.

4.3.8 The Council's Employment Land Supply study from 2013 concludes that in relation to B1c/B2 land requirements, these are likely to contract over the emerging plan period. While there will be a requirement for land to meet these needs, this is likely to be delivered through the re-use and recycling of some existing provision, while some of this employment land may also be released for other uses. Furthermore, the nearby town of Hitchin contains a number of protected employment sites which is likely to meet any identified need. Officers accept that it would be unreasonable to insist on some employment retention on the site and that the expansion of the ingredient's business, which this development will facilitate should offset any negative economic impact of the closure of the Ickleford site.

4.3.9 It is considered that the applicant has taken reasonable steps to secure an alternative employment use of the site and its loss would not harm the district's employment land provision.

Residential use of the site

4.3.10 The site is located within the built-up area of the existing village. The recently adopted Local Plan identifies Ickleford as a Category A village and includes a settlement boundary. With the exception of the southern section of open space and the main vehicular access, the application site falls within the village settlement boundary.

4.3.11 The NPPF (paragraph 120) confirms that when making decisions they should -

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

4.3.12 Paragraph 123 goes on to confirm that –

Local Planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs

4.3.13 Local Plan Policy SP2 confirms that general development will be allowed within the defined settlement boundaries. Policy 8 provides in principle support for residential development to meet the majority of development need of the District subject to the compliance with other relevant policies.

4.3.14 These policies give broad support for the redevelopment of the site for residential purposes given its location and status as previously developed land.

4.3.15 The site is immediately adjacent to existing residential development to the north and east. The site is within a sustainable location with existing footpath links to the village centre. The village includes a range of local services including shops, primary school, village hall and recreation ground, a number of public houses and a church. The site is approximately 1.6 miles from Hitchin railway station and bus interchange. Given its proximity to local services and the prevailing residential development of the surroundings, it is considered that residential redevelopment of this site is appropriate in land use terms.

Green Belt impacts

4.3.16 The existing mill buildings and majority of the hardstanding areas north of the River Oughton are located within and adjoining the existing built up area of Ickleford village and outside of the Green Belt (northern section). The area of the site south of the river including the existing vehicular access is located within the Green Belt (southern section). There is also an area of hardstanding and treed area to the western edge of the site which also falls within the Green Belt.

4.3.17 Although the application is in outline form with all matters reserved except for means of access, there are likely to be impacts on the Green Belt. These comprise (i) a new pumping station and associated pipeline (ii) the provision of play areas/equipment and (iii) the reintroduction of open space to existing hardstanding car parking area to the western edge of the application site.

4.3.18 Paragraph 137 of the NPPF confirms that the Government attaches great importance to Green Belts, where the fundamental aim of policy is to prevent urban sprawl by keeping land permanently open.

4.3.19 The Green Belt serves five purposes, these are set out at paragraph 138 of the NPPF and are:

- (a) To check the unrestricted sprawl of large built-up areas;
- (b) To prevent neighbouring towns merging into one another;
- (c) To assist in safeguarding the countryside from encroachment ;
- (d) To preserve the setting and special character of historic towns; and
- (e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.3.20 Paragraph 149 identifies exceptions to development which is acceptable in the Green Belt. Indent (2) recognizes provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries would not be inappropriate development, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

- 4.3.21 Paragraph 147 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. As the application is in outline form with only the means of access being considered no details of the pumping station or the open space/play areas are presented as part of this application. However, it is accepted that both will involve operational development within the Green Belt.
- 4.3.22 The existing vehicular access to the development is the existing vehicular access used for the mill and this will be a reduced smaller scale priority T-junction than what currently serves this industrial site and the existing road south of the River, which provides an exit for all traffic entering the site, will be reduced to a footpath. Given there is no additional development within the Green Belt associated with these changes there is no impact on the Green Belt.
- 4.3.23 With regard to the pumping station, the applicant confirms that Anglian Water have indicated that the most suitable foul water outfall location for the site proposals to connect into which is adjacent to Arlesey Road. There is insufficient capacity in the pipe heading northwards and therefore the foul connection point south of the residential site is necessary to connect into. This option requires a pumping station to be installed and underground pipework laid and the most appropriate location for this is understood to be on land south of the vehicular access within the Green Belt. The pumping station would be modest in size and scale and located close to the edge of the application boundary adjacent to Arlesey Road to reduce any impact on the Green Belt. Whilst the below ground works (pipework) associated with this pumping station involve engineering operations they are not considered to be 'inappropriate development', the pumping station kiosk and concrete apron would be above ground. The illustrative masterplan indicates that the pumping station would be positioned immediately adjacent to the existing access road and it would be seen in juxtaposition to it. Whilst the pumping station would be inappropriate development within the Green Belt, this impact is offset by the restoration of the hardstanding car parking area to the western and northern boundaries of the site. This is likely to result in a net gain in undeveloped and open Green Belt land on the site.
- 4.3.24 The development will require the delivery of a Local Equipped Area of Play (LEAP) which may need to be located within the open space designated as Green Belt. This typically will comprise a play area of 20 metres by 20 metres and include a total of six pieces of play equipment or structures. Paragraph 145 of the NPPF encourages the enhancement of areas of Green Belt including the provision of opportunities for outdoor sport and recreation. Paragraph 149 also confirms that exceptions to inappropriate in the Green Belt include "the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it." Having regard for this advice, it is considered that the provision of a LEAP and the associated play equipment would not be inappropriate development providing it preserves the openness of the Green Belt. The openness of this part of the Green Belt could be preserved by careful design and the type and scale of the equipment installed. The details of these area would be secured by condition and in the circumstances the impact on the openness of the Green Belt can be minimised.

- 4.3.25 Presently to the northern and western edges of the site is a hardstanding and car parking area located within the Green Belt. The illustrative masterplan illustrates this area as being restored to open space comprising a meadow and new tree planting. This will reintroduce a more appropriate land use and appearance to the Green Belt.
- 4.3.26 In summary, the pumping station will be inappropriate development within the Green Belt affecting its openness. This impact will be offset by the restoration of the existing car parking to the western and northern boundaries which is illustrated as being restored to meadow land. The provision of the LEAP within the open space will be exceptions to inappropriate development. The applicant accepts that the proposed development is inappropriate in the Green Belt but considers that there are material considerations in this case that constitute 'very special circumstances'. Paragraph 148 of the NPPF stipulates that substantial weight must be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt and any other harm resulting from the proposal, is clearly outweighed by other considerations. Before considering whether very special circumstances exist the harm to openness and purposes of the Green Belt are considered.
- 4.3.27 Under the provisions of paragraph 148 of the NPPF, any other harm resulting from the proposal should be taken into account, very special circumstances will not exist unless other considerations clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The Courts have confirmed "any other harm" to mean any harm relevant for planning purposes, which can include factors unrelated to the Green Belt in the planning balance, such as heritage harm or harm to highway safety. Having assessed the harm to the Green Belt, outlined above, this report will now go through each of the key material considerations applicable to this proposal to identify and attribute weight to any other harm which may arise from the proposed development.

Impact upon heritage assets

- 4.3.28 Local Plan Policy HE1 sets out the requirements in assessing the impacts on heritage assets including their setting. Policy HE3 deals with impacts relating to non-designated heritage assets. The Ickleford Conservation Area is located north and north-east of the site and within it are a number of statutory listed buildings. The site is not within or does it adjoin the Conservation Area. Also, there are no listed buildings or scheduled monuments within or adjoining the site. Given the separation distance and the intervening more modern developments, there are not considered to be any impacts arising to the setting of above ground statutory protected heritage assets in this instance. Third parties have however raised concerns about the historic boundary brick wall which forms part of the boundary to the site and which may be vulnerable to demolition as part of the redevelopment of the site. The wall, which is distinctive and attractive, acts as boundary between the mill and the existing property – East Lodge – which is located outside of the application site but is owned by the Applicant. This wall is considered to be an important historic asset on the site and its retention is justified. An appropriately worded condition should be included to seek both the protection of the wall during demolition works and its long-term retention and repair if necessary thereafter.

4.3.29 The site has the capacity to contain archaeological remains. Policy HE3 addresses non-designated heritage assets and indicates that planning permission for a proposal that would result in harm to non-designated heritage assets will only be granted where a balanced judgement has been made to assess the scale of harm. In terms of archaeology, Policy HE4 sets out the circumstances where development proposals affecting heritage assets with archaeological interest will be granted, and this includes the submission of a desk-based assessment, demonstration of how archaeological remains will be preserved and the use of appropriate conditions. An Archaeological Desk Based assessment accompanies the application. This assessment confirms that the site has the potential to have archaeological remains, this potential is moderate in respect of the Pre-historic and Roman period and a limited potential for all other periods. It is considered that this is a material consideration in the planning balance that can be adequately addressed by planning conditions. The County Council's Historic Environment Advisor has requested conditions in this case.

Impact on the character and appearance of the area

4.3.30 Policy D1 of the ELP states that planning permission will be granted if development proposals respond positively to the site's local character, amongst other things.

4.3.31 As the application is in outline form with only the means of access being considered, the other detailed matters – layout, appearance, scale and landscaping – would be dealt with as part of a reserved matters application. However, the applicant has provided an illustrative plan which demonstrates that it would be possible to develop the site for 71 units together with the necessary open space. The new buildings will be confined to the existing built envelope (i.e. areas of the site of the site currently occupied by buildings and hardstanding areas) with existing open spaces retained, enhanced or reinstated. This is shown on a Developable Area Plan submitted as part of the application. The density, scale and form of the development illustrated seeks to mimic the redundant mill buildings currently on the site.

4.3.32 The submitted Design and Access Statement explains how the site could be developed sympathetically having regard for its milling history. As previously indicated, this illustrates four 'character' areas for the development of the site – The Mill Quarter with a landmark taller apartment building to the north-east adjacent the road to mimic a traditional mill building, the Riverside Frontage overlooking the river and public open space which would comprise of terraced blocks to mimic the scale and uniformity of existing mill buildings, Meadow View traditional dwellings to the western edge of the site overlooking a smaller area of open grassland and the main Village Quarter set the centre and to the north of the site. The Mill Quarter and the Riverside Frontage would provide visually interesting built edges to the site from public view-points along Arlesey Road with building frontages outward facing. The more traditional urban characteristics of the development in the form of access roads, street lighting, parking bays and footpaths would, as illustrated, be generally limited to internal views with some new street landscaping.

4.3.33 Buildings will have a maximum height of 3 storeys. The density of the site would be around 20 dwellings per hectare which is appropriate for this urban / village fringe location and reflects the generally low density of housing in the immediate locality.

Public Open Space

- 4.3.34 As set out in the Use and Amount Plan this would amount to 15,400 m² equal to 1.54 ha. The Developable Area Plan identifies two principle open space areas within the site – to the south of the river in an area currently grassed and landscaped and to the north and western boundary of the site which is currently a car park. Additional open space is illustrated to the north of main vehicular access. Here an existing secondary access road is shown to be reduced to a footpath with additional less formal open space areas proposed either side of it. In the event planning permission is granted, a condition to requiring specific areas of the site developable and open space purposes as set out on the submitted Developable Area Plan would be both necessary and reasonable. As the larger Public Open Space area south of the river is outside the Parish, it is not practical or reasonable for these to be adopted by the Parish Council. In the circumstances, a Management Plan will need to be provided and agreed and this will be secured as part of the Section 106 agreement.

Trees and Landscaping

- 4.3.35 The application is supported by an Arboricultural Report which assesses the existing trees on site. In general terms, the area of the site to be redeveloped does not include any trees although the areas of open space and adjacent site boundaries do. There is potential for the redevelopment to affect these trees both in the short-term during demolition and construction and the long term once the site is developed. The submitted assessment has been based on the submitted illustrative plan which does not form part of the application. In the circumstances, with the exception of 13 trees of poor quality which should be removed regardless of the final site layout (T3, 5, 20, 25, 29, 37, 40, 44, 75, 77, 107, 154 & 169), this assessment should be reviewed prior to any reserved matters submission as part of the landscaping proposals for the site. This should include details of a demolition and construction method statement which sets out how trees will be protected during works. Overall, it is anticipated that the majority of existing trees across the site will be retained and together with new landscaping and planting will ensure that the site is developed sensitively having regard for its location on the edge of the village.

Landscape and Visual Amenity

- 4.3.36 The site's location south of the main built-up core of the village means that it is unlikely to have any particular impacts on the character of the village. The development would have a largely localised impact on the existing landscape and visual amenity and, taking into account the scale of mill buildings which will be removed as part of the site's redevelopment, the proposal is likely to deliver some visual and landscape improvements to the area.

- 4.3.37 Overall, based on the illustrative masterplan layout, it is possible for the site to deliver 71 high quality homes on previously developed land outside of the Green Belt and within the village settlement boundary that responds to local character and could accord with Policy D1. The actual layout, scale, appearance and landscaping are ultimately for consideration at the reserved matters stage which would need to be

submitted in the event that this application is approved. The submitted Developable Area Plan sets out these basic parameters for the site's development and will guide any subsequent reserved matters submissions.

Residential amenity

- 4.3.38 The site is bound to the north-east by a cul-de-sac residential development – Manor Close. To the east on the opposite side of Arlesey Road is a cul-de-sac residential development known as Laurel Way. An historic lodge house, East Lodge, to the east owned by the applicant and adjacent to the Arlesey Road is retained and is located outside of the application site. Immediately north of this is a detached property – Dower House.
- 4.3.39 The illustrative plan demonstrates that it is possible to deliver 71 sufficiently spaced dwellings on the site and protect the amenity of these adjacent properties as required by Policy D3. Again, this would be a matter to be considered in more detail at the reserved matters stage in the event that this application is approved.
- 4.3.40 In terms of living conditions for the prospective occupiers the key issues are noise, air quality, space standards, amenity space provision and waste and recycling provision. The application is supported by a Noise Survey which has been reviewed by the Council's Environmental Health Officer. Monitoring data confirms that the residual noise levels across the vast majority of the application site are less than 55 dB LAeq daytime and less than 50 dB LAeq night-time. Given these relatively low noise levels, the residential use of the site is likely to provide an acceptable indoor or outdoor amenity for occupiers of new dwellings. Any subsequent reserved matters application should have regard for minimising noise impacts when designing the layout of the site. In general terms, it is acknowledged that the site's last use as a mill created high noise levels due to operational milling activities and associated HGV movements. In the event that permission is granted and the site redeveloped, there is likely to be a substantial reduction in day to day noise levels which will benefit both existing nearby residents and the occupiers of the new properties. The demolition and construction phases have the potential to create nuisance to the surrounding existing residents arising from noise. It is therefore recommended that a detailed demolition plan is submitted to and approved in writing prior to any demolition site clearance begins.
- 4.3.41 In terms of air quality, an assessment forms part of the submission documents and has regard to ambient air quality legislation and national policy. The assessment methodology included the construction phase and operational phase. The assessment sets out how the development can mitigate against dust and pollution effects during the construction phase - demolition, earthworks, construction and track-out associated with the proposed development – in compliance with the Institute of Air Quality Management guidance. In addition to the usual construction air quality issues identified, the Council's Environmental Health Officer has confirmed that historically the Council has received complaints about flour and associated dust at the site. As the proposed redevelopment will involve the demolition of all existing milling structures on site, there is likely to be a lot of flour and dust within these structures which has the potential to cause a nuisance. Unless dealt with in an appropriate manner it is highly likely that flour and dust will give rise to nuisance at nearby residential premises. A

demolition and construction management plan should be provided prior to any demolition work commencing on site and should include how the issues identified in the supporting assessment together with the flour and dust associated with the existing structures will be controlled during clearance works. In respect of the operational phase, the site is not within an Air Quality Management Area and NHDC Air Quality Planning Guidance suggest the provision of Electric Vehicle charging points for dwellings both unallocated and allocated parking areas. This matter should be conditioned in the event permission is granted. Subject to the identified conditions being imposed, the proposed development does not, in air quality terms, conflict with national or local policies and therefore there are no constraints to the development in the context of air quality.

- 4.3.42 As the application is in outline form with only the means of access being considered, no details of the site layout or proposed houses has been provided. Any reserved matters application will need to ensure that the proposed dwellings comply with the minimum internal space standards set out in the 'Technical housing standards - Nationally Described Space Standards' produced by the DCLG in 2015.
- 4.3.43 Similarly, due to the outline form of the application no details are provided of amenity and garden areas. The illustrative layout does, with the exception of some houses located within the Riverview character area, demonstrate that it is possible to meet the Council's external amenity standards. This issue would need to be considered further together with other layout matters – car and cycle parking and refuse storage – at the reserved matters stage.
- 4.3.44 In principle, the residential use of the site is likely to be able to deliver acceptable living conditions for both existing and proposed residents.

Highways and access impacts

- 4.3.45 The Highway Authority issued an initial statutory consultee response in September 2017. Updated responses were provided in July and October 2022 due to the passage of time that had elapsed since the initial response. These revised responses took account of a variety of matters including updated policy and guidance and their updated S106 Obligation Toolkit.
- 4.3.46 As the means of access is being considered at this stage, more detailed comments are provided on this matter in this report. Issues pertaining to the internal roads and footpaths are considered to be 'layout' matters which do not form part of this application and would be dealt with at the reserved matters stage. For clarity, the site includes two access points – the existing main access to the mill south of Arlesley Road and a new access south of East Lodge also off Arlesley Road nearer to the village.
- 4.3.47 The proposed development will utilise the existing 'T' junction vehicular access into the site from the existing junction onto Arlesley Road. New footways on either side of the junction will provide pedestrian access to the site. As part of section 278 works outside of the site within Arlesley Road, a zebra crossing is proposed adjacent the access to provide a safe crossing point for pedestrians linking the site to the existing footpath on the eastern side of the road. Two existing reserved bus stops for school buses on

Arlesey Road to the north of the site will be formalised for regular bus service use with stopping areas line marked. Physical changes to the road will include raised bus kerbs, flags and a shelter for the southbound stop.

Technical Matters

- 4.3.48 The proposed main vehicle access is located along the Arlesey Road that is designated as an unnumbered local distributor road that is subject to a speed limit restricted to 30 mph. The design would have to be submitted to a scale of 1:200 to the highway authority and subjected to a Technical Audit with the ultimate design being technically approved prior to commencement of the s278 works on site this would include the bus stops, footway connections and provision of the Zebra crossing along the Arlesey Road. To maintain highway safety along the adjacent highway for site access for construction purposes serving the new development must be complete to base course level for the first 15 metres prior to any building construction to the new development commencing on site.

Technical Audit

- 4.3.49 The width of the main access has been recommended to be 5.50 metres with 10.0 metres radius kerbs which has been shown on drawing number E3631/700/E which would conform to the minimum width of an access road that would accommodate a waste collection vehicle in current use. The principal access road should be 5.5 metres wide for the first 15 metres which can be narrowed to 5.0 metres wide this width of carriageway would support two-way traffic taking into account the passing of parked cars by waste collection vehicles for the scale of the development due to likely indiscriminate parking on the access roads. The sightlines from the proposed access are recommended to be 2.4 metres x 43 metres to both directions as indicated in the supporting Transport Statement and this provides sufficient visibility from the access. The vehicle-to-vehicle inter-visibility from the junction within the new development is shown on the submitted drawings to accord with Manual for Streets.

Transport impact

- 4.3.50 As previously mentioned, the former milling use historically generated 440 lorry movements per week at its peak. Also, former staff (35 persons) and visitors to the site would have created circa 35-40 vehicle weekday trips during peak periods. Traffic data has been compared to the Trip Rate Information Computer System (TRICS) database was used to calculate the trips rates for the development which demonstrate that as a result of the development proposals, there will be 42 to 48 vehicle trips to the site during the weekday travelling peak periods. It is demonstrated in comparison with the TRICS Database that the proposed development would not result in an increase in vehicle trips to the site. Considering that traffic flows are fundamental to the assessment of traffic impact HCC is satisfied that the data produced provides an overall picture of the existing traffic movements and the future traffic generated from the new development.

Traffic generation

- 4.3.51 This has been derived from the volume of predicted traffic generated compared with the likely trip rates obtained from comparable residential site within the national TRICS trip generation database with equal multi-modal splits with a reasonable level of public

transport accessibility. The new development has been assessed and has been accepted of being comparable and realistic. Given the proposal involves the provision of 71 units considering the data output from the TRICS software the total peak generation of traffic would be 42 to 48 trips in both of the peak travelling periods considering that the development is located adjacent to a local distributor road the new traffic generation of vehicles is considered not to have a significant impact on the local highway network. The above data has been considered acceptable in traffic generation terms. Herts County Council Highways Unit has considered the TRICS software covering highway and traffic issues, this data was carefully scrutinized to establish the likely impact of the road network.

Secondary Vehicular Access

- 4.3.52 As previously mentioned, the application seeks permission for a secondary access adjacent East Lodge off Arlesey Road. This is not considered to be suitable for use by general vehicular traffic as the submitted plans and supporting information do not (i) demonstrate adequate vehicular visibility splays (ii) include a junction capacity assessment and (iii) address general safety concerns for highway users. In the circumstances, it is recommended that this access be restricted by condition for use by emergency vehicles, pedestrian and cyclists only and should include appropriate physical restrictive measures to secure this. The applicant has been advised of this and has agreed to the provision of such conditions.

Transport for residents

- 4.3.53 Pedestrians and cyclist have access to footways although there are not any cycleways within the vicinity of the site. The village centre and local facilities have a realistic access from the development by cycling albeit that there are no dedicated cycle lanes. The site is located within recognised accessibility criteria of two bus stops although both of these do not currently have easy access kerbing. Off-site works would have to be carried out as part of the s278 highway works to provide these kerbing details.

Travel Plan

- 4.3.54 Since the issuing of the previous Highway Authority Statutory Consultee response, the Highway Authority have published an updated Travel Plan Guidance. The guidance specifies that residential developments between 50-80 dwellings must be accompanied by a Travel Plan Statement. This matter can be secured by condition in the event permission is granted.

Construction Traffic

- 4.3.55 The impact of construction traffic travelling to and from the site is recognised as being a potential hazard to road safety and users and therefore the Highways Unit have recommended a planning condition being imposed requiring a Construction Traffic Management Plan to be submitted and approved prior to development commencing on site.

Other highway issues

- 4.3.56 Matters relating to the technical design of the internal roads, manoeuvrability, vehicle to vehicle inter-visibility from the internal junctions, vehicle to vehicle inter-visibility within internal road, waste storage and collection, secure cycle and car parking and electric vehicle charging points would all be matters to be considered at the reserved matters stage. The Highways Authority have confirmed in their responses that these matters will need to have regard to Roads in Hertfordshire Highway Design Guide and Manual for Streets if they are to receive approval under both the Planning Act and Sections 38 and 278 of the Highways Act. The concerns raised by the Parish Council and residents regarding aspects of road safety and proposed road improvements along the Arlesey Road are noted. As these works are outside of the application site within the public highway the precise details of such works would be dealt with as part of the Section 278 Highways Act works and maybe subject to change. A copy of the Parish Council's letter has therefore been passed to Herts Highways Unit so they can consider the concerns raised and address them as they see appropriate when considering the design of Section 278 works.

Highways financial contributions

- 4.3.57 The Highway Authority have published an updated S106 Planning Obligation toolkit (2021). In accordance with the toolkit and associated guidance, second strand sustainable transport contributions are sought for residential developments on a unit rate basis of £6,826 per dwelling. This is to mitigate adverse pressures generated by the proposed development to the future operation and safety of the local highway, footway, cycleway and public transport networks. The mitigation will also focus on enhancing and encouraging active travel and public transport use by improving facilities, walking and cycling environments, and improving the safety of trips. The total S106 sustainable transport contribution sought is $71 \times £6,826 = £484,646$. The Highway Authority will distribute the contributions to the associated schemes to mitigate the impact of the development, typically through schemes identified in the HCC's Local Transport Plan (LTP) and its supporting documents, North Central Hertfordshire Growth and Transport Plan. Sustainable transport contributions can be used for, but not limited to (i) Package 08 North Hitchin and Industrial Estate - New and improved active infrastructure links from the industrial estate and new development to the rail station and (ii) Bus service improvements.
- 4.3.58 Having regard for the foregoing, there are no highway reasons to withhold permission for the development.

Flooding and drainage

- 4.3.59 The proposed development site is located within Flood Zone 1. Areas classified as Flood Zone 1 are those that have less than a 0.1% chance of flooding. However, a Flood Risk Assessment is mandatory for sites of 1 hectare or greater in such Zones. Such an Assessment has been provided as part of the supporting documents. In addition to assessing the impact the development will have on flooding down-stream, the assessment considered foul and surface water drainage.

Flooding and Surface Water

- 4.3.60 It is understood that the existing surface water drainage from the mill predominantly discharges to the River Oughton at a number of locations although it is thought that there is also an outfall of surface water runoff into the existing public foul water sewer in Arlesey Road. The proposed drainage strategy is based on discharge into River Oughton utilising existing outfall connections. Anglian Water have confirmed that the proposed method of surface water management does not relate to their assets. The submitted drainage calculations relate to storm events up to and including the 1 in 100 year plus 40% for climate change. The removal of existing buildings and hardstanding areas mean that there is significant reduction impermeable area on the site which will reduce surface water runoff rates and volumes by approximately 42% and the proposals for discharge in the River Oughton will remain unrestricted. The Internal Drainage Board have raised no objections to the re-development of the site. The layout of the site is reserved for future consideration and the Lead Local Flood Authority (LLFA) has confirmed that there will be a need to explore measures to achieve greenfield run-off rates or alternatively undertake modelling of the scheme to ensure there are no impacts from the proposed discharge rate. In these circumstances, precise details of the surface water via a site drainage strategy should be secured by condition. Surface water flood maps show some flooding at the main vehicular site entrance. The reserved matters design should consider how the site could mitigate this impact in particular how the areas of public open space could potentially be utilised for attenuation measures. Proposed s278 works within the highway could also explore what improvements could be made to alleviate the severity of flooding at the junction.

Foul Water Drainage

- 4.3.61 It is understood that the foul water sewerage system within Ickleford has flooded in storm conditions and that surface water runoff from a large part of the site presently is being directed to the foul water system. This runoff will be removed as part of the development proposals thereby reducing the potential for flooding from the foul water system. Anglian Water has confirmed that the existing waste-water treatment facility in Hitchin has capacity to deal with flows from the site. However, following further investigative work there is insufficient capacity in the pipe heading northwards, therefore the foul connection point south of the site will be used to connect into. This option requires a pumping station to be installed on land south of the vehicular access within the Green Belt. There is no objection in principle to the residential development although given the outline nature of the application, Anglian Water has recommended that precise details of foul water drainage for the development is secured by condition.

Affordable housing

- 4.3.62 In accordance with Policy HS3, the affordable housing requirement is 40% on sites which will provide 25 or more dwellings. Based on 71 dwellings overall and a 40% affordable housing requirement, in accordance with the Proposed Submission Local Plan, this equates to the provision of 28 affordable dwellings.

4.3.63 The NPPF paragraph 50 says *“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

- ☐ *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.....*
- ☐ *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- ☐ *where they have identified that affordable housing is needed, set policies for meeting this need on site and the agreed approach contributes to the objective of creating mixed and balanced communities...”*

4.3.64 Paragraph 159 of the NPPF says “local planning authorities should have a clear understanding of housing needs in their area. They should prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs...The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need...”

4.3.65 Within the overall 40% affordable housing requirement a 65%/35% rented/intermediate tenure split is required, in accordance with the council's Planning Obligations SPD and the 2016 Strategic Housing Market Assessment (SHMA) Update. Therefore, of the overall 28 affordable units 18 rented units and 10 intermediate tenure units should be provided to meet housing need. The affordable homes should be owned and managed by a registered provider, should meet Housing Corporation Design and Quality Standards and be physically indistinguishable from the market housing. The affordable housing should be in small clusters across the site rather than concentrated in one part.

4.3.66 The Government announced last year a new affordable housing product called 'First Homes'. These are discounted market sale housing. Under transitional arrangements, once the Council has an up to date adopted Local Plan, there is not an automatic need to reflect the requirement for First Homes when considering planning applications. The Council do not have an evidence base to demonstrate that we need First Homes.

Ecology

4.3.67 Policies SP12 - Green infrastructure, biodiversity and landscape, Policy NE4 - Biodiversity and geological sites and NE6 - Designated biodiversity and geological sites - seek to protect, enhance and manage the natural environment. Although not a legal requirement yet, the 2021 Environment Act seeks new developments to achieve a 10% Biodiversity Net Gain (BNG). The Council therefore encourages, where appropriate and possible, developers to aim to meet this 10% target.

4.3.68 In relation to ecology, the application is supported by a Preliminary Ecological Appraisal and included habitat and bat surveys. Updated Bat Roost Survey and Badger and Otter Survey Reports were provided in October 2022. This Appraisal supporting Surveys/Reports considered habitats of badgers, bats, otters, water voles, birds and great crested newts. This appraisal indicated that there are no significant ecological constraints to the proposed development works, providing that appropriate assessments and mitigation are provided. Herts Ecology has confirmed that the submitted survey reports provide sufficient information for determination. A bat mitigation licence will be required to proceed lawfully with destruction of the known bat roosts. Pre-site clearance walk over survey to check and identify for badgers, otters and water voles is recommended. These matters can be reasonably dealt with by condition.

4.3.69 Mitigation, compensation, and enhancement opportunities include (i) the provision of ecological enhancements for bats should be incorporated into the sites landscape design in the form of bat boxes to existing trees south of the river, planting additional trees, creating areas of open grassland and maintaining and connecting on-site and off-site habitats to avoid fragmentation of habitats (ii) Water vole/otter stand-off buffer is needed between the river and any new development (iii) due to the likely presence of widespread nesting bird species on site, it is recommended that initial development works are undertaken outside of the usual bird breeding season (normally taken to be March – August inclusive). If such timescales cannot be accommodated, it is recommended that a check for the presence of active nests, and nesting birds should be undertaken by a suitably qualified ecologist prior to the commencement of habitat clearance works. Any active nests should be identified and protected subject to the relevant legal provisions until the nesting attempt is complete. Also, sensitive site wide lighting is an important consideration in relation to ecology and nature/habitat conservation. All the aforementioned matters can be secured by condition in the event planning permission is granted.

4.3.70 In relation to biodiversity, Policy NE4 requires biodiversity net gain on development sites. A Biodiversity Net Gains Assessment was provided in 2022 and is based on the illustrative plan. This Assessment confirms that –

- ☐ Through habitat enhancement, creation and retention onsite, including the urban trees, woodland and enhancement of the modified grassland, the site could deliver a net gain with 27.48% net gain in Habitat Units and a gain of 18.06% Hedgerow Units.
- ☐ A Landscape Management Plan should be produced, securing appropriate management of retained, created and enhanced habitats, such as the woodland and grassland. This should secure maintenance of these habitats and their condition over the long term; this would be an important part of delivering biodiversity net gain as it will be the process that secures biodiversity enhancements into the future.
- ☐ Planting of additional native trees and shrubs, enhancing grassland on site, enhancing river corridor on site, the installation of bat boxes on retained trees around the Site boundaries

4.3.71 Overall, these findings and recommendations are welcome. Full compliance with the policy will need to be delivered in the form of a Landscape and Ecological Management Plan (LEMP) which can be secured by condition. In the circumstances, it is considered that there are no adverse ecological impacts arising and some net gains in relation to biodiversity the latter of which would weigh in favour of the proposed development.

Land contamination

4.3.72 The application is supported by a Ground Conditions Report. The Council's Environmental Health Officer is satisfied that the initial assessment is appropriate and adequate and agrees that intrusive investigations are necessary. Therefore, there are no objections to the principle of this development. Given the sensitivity of the proposed residential use to contamination, and the findings of the initial risk assessment, it is recommended that the standard contamination condition is attached to any permission given for this development.

Energy and carbon emissions

4.3.73 The Council passed a Climate Emergency motion in 2019 which pledged to do everything within the Council's power to achieve zero carbon emissions in North Hertfordshire by 2030. The Council has adopted a Climate Change Strategy to promote carbon neutral policies. Adopted Policy DE1 – Sustainable Design – requires developments to consider a number of criteria including the need to reduce energy consumption and waste. In relation to residential development this will typically include features such as - low carbon technologies such as air or ground source heat pumps, solar or PV panels, Sustainable Drainage Systems (SuDS) and exceeding Building Control standards on thermal insulation.

4.3.74 The application is supported by a Preliminary Energy Statement which includes a basic sustainability strategy for the site. This focuses on the energy consumption of the dwellings and confirms that the efficiency of a property's thermal envelope and internal building services will be prioritised thereby reducing the forecasted energy demand of each property and minimising the need for low carbon and renewable technologies. Given the outline nature of the application, a detailed strategy will need to be provided once the site design is formalised and this should set out a broader range of sustainable building methods and technologies around energy and water use as identified above. In the event that planning permission is granted, a pre-commencement condition should be included requiring specific details to be submitted to and agreed in writing.

Sustainability assessment

4.3.75 A matter to consider in all applications for planning permission is whether the proposed development would represent a sustainable form of development. The NPPF confirms that all three objectives of the planning system would be met. These are economic, social and environmental.

- 4.3.76 In terms of the economic objective the development would provide homes that would support economic growth and productivity. The construction of the development and on-going maintenance of it would result in construction jobs and employment in the service sector. The fitting out and furnishing of the homes would also generate economic activity and jobs. Future occupiers would purchase local goods and services, boosting the local economy and helping to sustain the vitality and viability of local shops and services.
- 4.3.77 In terms of the social objective, several community benefits would accrue from this development. First, it would provide valuable housing, including 40% percentage of affordable housing that meets local housing need. A range of house types and tenures would assist in meeting this need.
- 4.3.78 Secondly, the proposal would deliver a high-quality and inclusive residential development. The development would be well connected to the existing community of Hitchin and Ickleford and by public transport to larger towns and settlements. As such the development would provide access to the social, recreational and cultural facilities and services that the community needs. The proposal would achieve a well-designed sense of place and make effective use of land. The development would be in accordance with sections 8, 11 and 12 of the Framework.
- 4.3.79 In terms of the environmental objective, it has been concluded above that the proposed development would likely result in some landscape and visual benefits with the removal of the existing utilitarian mill buildings. Regarding biodiversity, the proposal has the potential to deliver a net gain in biodiversity on site. The site is not isolated in terms of transport with the site accessible by public transport and local services can be reached on foot and by cycling in accordance with Local Transport Plan objectives and Section 9 of the Framework
- 4.3.80 In conclusion on this matter, it is considered that the proposals would be a sustainable form of development and would comply with national and local planning policy and guidance.

Whether there are any Very Special Circumstances

- 4.3.81 As set out earlier in this report, only the proposed pumping station element of the proposal would constitute 'inappropriate development' in the Green Belt. Although no details of this are provided due to the outline nature of the application, as identified of the Developable Area Plan, this will occupy a very limited area within the Green Belt. This is likely to result in some albeit limited impact on the openness of the Green Belt and its purposes. Paragraph 148 of the Framework states *"when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."* It is considered that in this case there are considerations that amount to very special circumstances to outweigh the harm to the Green Belt as set out below.
- 4.3.82 The proposal would deliver 71 dwellings that would contribute towards the Council's housing land supply. Of these, 28 would be affordable units (40% of the total number on site). This would provide for 18 rental tenure and 10 intermediate tenure and at a

mix that meets the requirements of Policy HS3 including the housing need identified in the Strategic Housing Market Assessment. This would, given the recent adoption of the local plan, attract only limited weight in the planning balance.

4.3.83 The harm to this area of the Green Belt is off-set by the improvement to the openness of a larger area of the Green Belt within the site adjacent to the western boundary. When Other additional benefits associated with this scheme comprise -

- ☐ Use of a brownfield site;
- ☐ landscape and visual improvements resulting from removal of existing mill buildings and structures;
- ☐ the loss of the mill's heavy goods traffic from the surrounding road network and village;
- ☐ Improvement to noise and odour environments following demolition of the mill buildings;
- ☐ the provision of 'windfall' housing development resulting from the redevelopment of a non-allocated site;
- ☐ biodiversity net gain;
- ☐ ecology benefits;
- ☐ drainage benefits resulting from the removal of buildings and structures;
- ☐ improvements to the local highway network resulting in local safety benefits resulting from the proposed zebra crossing, new bus stop and other highway works.

4.3.84 Paragraph 81 of the NPPF stipulates that significant weight should be placed on the need to support economic growth and productivity. This is particularly relevant during the pandemic recovery period and other current pressures on the economy. There will be considerable economic benefits derived from the construction of the site. There will be employment for construction workers and resulting direct and indirect benefits to the local economy. There will also be economic benefits arising from the fitting out and furnishing of the new homes. There would also be ongoing benefits from the spending of future occupiers in local businesses. Given the scale of the proposed development it is considered that significant weight should be given to this in the planning balance.

4.3.85 The benefits of this proposal and the weight attributed to these will be set against the harm outlined earlier in this report, in the 'conclusion and planning balance' section below. This will assess whether very special circumstances exist necessary to justify the grant of planning permission.

Planning Obligations

4.3.86 In considering Planning Obligations relating to this proposed development. The Community Infrastructure Regulations and Paragraph 57 of the Framework set out statutory and policy tests. These are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

4.3.87 Detailed negotiations have taken place with the applicant and agreement reached on a range of matters that are included in a draft S106 agreement. These include the provision of affordable housing, local community facilities, St Katherine's church, and financial contributions towards education, sustainable transport/highway facilities and other services provided by the County Council. All of the S106 obligations are listed in the table below.

| | |
|-----------------------------------|---|
| 17/01955/1 | Draft Heads of Terms for Section 106 |
| Ickleford Mill | |
| Element | Detail and Justification |
| Affordable Housing | On site provision of 40% affordable dwellings based on 65% rented tenure and 35% intermediate tenure. NHDC Planning Obligations Supplementary Planning Document Local Plan Policy HS2 'Affordable Housing' Evidence with the Council's SHMA |
| Primary Education educations | Full contribution based on child yield likely to arise of 0.22FE representing 11% of the cost of providing a 2FE primary school in Ickleford. Amount before index linking: £576,140 (£563,855 + £12,285) index linked to BCIS 1Q2020) Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit |
| Secondary Education contributions | Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the expansion of The Priory Secondary School Amount before index linking: £605,661.00 Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit |
| Nursery Services | Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. Amount before index linking: £68,551.00 Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit |
| Childcare Services | Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the expansion of Pirton pre-school Amount before index linking: £193,367.00 Local Plan Policy SP7 'Infrastructure requirements and developer contributions' |

| | |
|--|---|
| | Planning Obligations SPD and HCC Toolkit |
| Special Educational Needs and Disabilities | <p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the expansion of the new East Severe Learning Difficulty school</p> <p>Amount before index linking: £64,654.00</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p> |
| Library Services | <p>Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the development of a meeting room at Hitchin library.</p> <p>Amount before index linking: £6,823.00</p> <p>Submission Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p> |
| Youth Services | <p>Full contribution based on Table 2 of the HCC Toolkit towards equipment for expansion of outreach provision in North Herts villages, including Ickleford</p> <p>Amount before index linking: £21,075.00</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p> |
| Waste Service (HCC) | <p>Towards increasing the capacity of the recycling centre network to serve the development</p> <p>Amount before index linking: £7,327.00</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p> |
| Monitoring | <p>HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021).</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit</p> |

| | |
|---|---|
| Sustainable Transport / Highway contributions | <p>Full contribution based on NHDC Planning Obligations SPD.</p> <p>Schemes to be agreed with the Highway Authority. May include upgrading of nearby bus stops.</p> <p>Amount before index linking: £484,646.00</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> |
| Local Community Facilities (Ickleford Parish Council) | <p>Projects potentially to include contributions towards new play equipment within Ickleford village</p> <p>Contribution: £20,000</p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations.</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> |
| NHDC Waste Collection & Recycling | <p>Full contribution based on NHDC Planning Obligations SPD.</p> <p>£71 per dwelling index linked in accordance with SPD. (£5041)</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD</p> |
| Open space/Landscape buffer management and maintenance arrangements | <p>Private management company to secure the provision and long term maintenance of the open space/landscape buffer and any SuDs infrastructure</p> <p>Local Plan Policy SP7 'Infrastructure requirements and developer contributions'</p> |
| St. Katherines Church, Ickleford Community Project | <p>St. Katherines Church 'Room for all' project. An extension to the Grade I listed church for community use.</p> <p>Contribution: £20,000</p> <p>North Hertfordshire Partnership Sustainable Community Strategy 2009 - 2021</p> |

Overall Planning Balance and Conclusion

4.3.88 As set out in this report, there are matters that weigh in favour and against the proposed development. These are summarised below.

4.3.89 Negative impacts comprise –

- ☐ the pumping station would be inappropriate development within the Green Belt and would affect its openness attracting significant weight albeit limited due to the relatively small footprint this will occupy and its minor scale;
- ☐ noise and dust impacts although these would be limited due to the temporary nature (i.e. during construction) and therefore attract limited weight;
- ☐ the loss of employment land attracting limited weight;
- ☐ vehicular traffic associated with the redevelopment of the site attracting limited weight.

4.3.90 Benefits of the redevelopment consist of –

- ☐ Use of a brownfield site attracting significant weight;
- ☐ landscape and visual improvements resulting from removal of existing mill buildings and structures attracting moderate weight;
- ☐ the loss of the mill's heavy goods traffic from the surrounding road network and village attracting moderate weight;
- ☐ Improvement to noise and odour environments following demolition of the mill buildings attracting moderate weight;
- ☐ the provision of 'windfall' housing development resulting from the redevelopment of a non-allocated site attracting moderate weight;
- ☐ the provision of affordable housing attracting substantial weight;
- ☐ biodiversity net gain attracting moderate weight;
- ☐ ecology benefits attracting moderate weight;
- ☐ drainage benefits resulting from the removal of buildings and structures attracting moderate weight;
- ☐ the restoration of the western area of Green Belt to open landscaped appearance attracting moderate weight;
- ☐ improvements to the local highway network resulting in local safety benefits resulting from the proposed zebra crossing, new bus stop and other highway works attracting significant weight.

4.3.91 Paragraph 148 of the NPPF states the following: *"when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'".* In this regard, the benefits identified above when taken cumulatively are significant and, in this case, clearly outweigh the harm that has been identified to the Green Belt. Very special circumstances therefore exist to justify the development in the Green Belt as required by paragraphs 147 and 148 of the Framework.

5.0 Pre-commencement Conditions

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

6.0 Legal Implications

6.1 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.

7.0 **Recommendation**

7.1 That planning permission is resolved to be **GRANTED** and subject to the following:

A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required and;

B) The following conditions and informatives:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 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, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

3. Before the development hereby permitted is commenced, approval of the details of the siting, design and external appearance of the development, layout and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

4. The reserved matters application(s) shall include new buildings within the Developable Area only (except for the proposed pumping station and apron) as defined on the Developable Area Plan (reference P4048 SPA XX ZZ DR A 10 001 Rev A dated October 2022).

Reason: To protect the Green Belt from inappropriate development and to protect its openness. For the avoidance of doubt.

5. The landscape details to be submitted as reserved matters 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 and / or levels changes;

e) the use of native species plants and trees as required by the Landscape, Ecology Management Plan (LEMP) condition.

f) planting proposed near the river should be appropriate for the riparian habitat.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development and in the interests of biodiversity.

6. None of the trees and hedges identified in the submitted Tree Assessment as being 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.

7. Before the commencement of any other works on the site, trees and hedges to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

8. No pre-construction, demolition or enabling works shall take place until full details of a dust management plan (to include measures to minimise dust impacts) during the demolition and construction phases of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The construction project shall thereafter be carried out in accordance with the approved programme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise environmental impacts and protect the residential amenity of existing residents.

9. Prior to the commencement of any single phase of development, a Demolition and Construction Management Plan/Method Statement shall be submitted to and approved in writing by the local planning authority in consultation with the Highway Authority and Environmental Health Unit (Noise). Thereafter the demolition and construction of the development shall only be carried out in accordance with the approved Plan/Statement. The Construction Management Plan/Method statement shall address the following matters:

(i) Details of a demolition and construction phasing programme (including any

pre-construction or enabling works);

(ii) Hours of construction operations including times of deliveries and removal of waste;

(iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;

(iv) Access and protection arrangements around the site for pedestrians, cyclists and other customers; (v) Details of provisions for temporary car parking during construction;

(v) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures; (vi) Screening and hoarding details

(vii) End of day tidying procedures;

(viii) Construction and storage compounds (including areas designated for car parking);

(ix) Siting and details of wheel washing facilities;

(x) Cleaning of site entrances, site access roads and the adjacent public highway and: (xi) Disposal of surplus materials.

Reason: To minimise the impact of construction vehicles on the highway network and to maintain the amenity of the local area.

10. Prior to commencement of the development (other than demolition works), the main access road shall be provided 5.5 metres wide for the first 25 metres where after the principal access road shall be narrowed to a minimum of 5.0 metres wide with the kerb radii along the adjacent Arlesey Road being a minimum of 10.0 metres which shall be complete with tactile crossing features to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In order to protect highway safety and the amenity of other users of the public highway, in line with HCC Local Transport Plan Policy 5.

11. Prior to first occupation of the development, a system of footways shall be provided to connect the new development with the existing bus stops along Arlesey Road as part of the application. The bus stops will need to be complete with easy access kerbs and shelters as appropriate. The exact location and accommodating works will need to be as identified on drawing number E3631/700/E and agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the s278 works.

Reason: In order to provide safe and suitable pedestrian access to public transport facilities, in line with HCC Local Transport Plan Policy 5.

12. Before the main access is first brought into use vehicle to vehicle visibility splays of 2.4 metres x 43 metres to both directions 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: In order to protect highway safety and the amenity of other users of the public highway, in line with HCC Local Transport Plan Policy 5.

13. The gradient of the main access from the Arlesey Road shall not be steeper than 1 in

20 for the first 15 metres from the edge of the carriageway.

Reason: In order to protect highway safety and the amenity of other users of the public highway, in line with HCC Local Transport Plan Policy 5.

14. No dwelling forming part of the development shall be occupied until a Zebra crossing 3.0 metres wide has been provided along Arlesey Road. The crossing will need to be complete with pedestrian tactiles, Belisha beacons and road markings as appropriate. The exact location and accommodating works will need to be as identified on drawing number E3631/700/E and agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the s278 works.

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians of all ages and abilities, in line with HCC Local Transport Plan Policy 5.

15. No development (other than demolition works) shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

16. Prior to the occupation of any dwellings hereby permitted, an Electric Vehicle ready (active) domestic charging point shall be provided for each property and thereafter permanently retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

17. Prior to the first occupation of the development hereby permitted a scheme for the parking and storage of cycles for each dwellinghouse including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. Where appropriate, this shall also include details for the parking of mobility scooters. The scheme must be designed in line with the cycle parking standards contained in the DfT's Cycle Infrastructure Design LTN1/20. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

18. Three months prior to the first occupation / use of the approved development, a detailed Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The Travel Plan Statement shall take account of Travel Plan Guidance' at www.hertsdirect.org. It shall be implemented in accordance with the timetable and

target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

19. The proposed emergency vehicular access as identified on the submitted layout plan (E3631-700E - Proposed Means of Access) shall be used by emergency vehicles, pedestrians and cyclists only. The reserved matters details shall include details of physical measures to restrict the use of the access to the aforementioned users only. These measures shall be implemented before any dwellinghouses are occupied and retained in perpetuity.

Reason: It has not been demonstrated that the secondary vehicular access is safe for general use by vehicular traffic.

20. No development (other than demolition works) approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood risk Assessment carried out by Wormald Burrows Partnership Limited reference E3631-frareport-0917-Rev1 dated July 2017. The surface water drainage scheme should include;

- (i) Implementing the appropriate drainage strategy based on attenuation and discharge into the River Oughton, using appropriate above ground SuDS measures.
- (ii) Limiting the surface water run-off generated by the 1 in 100 year + 40% for climate change critical storm to greenfield runoff rates. Alternatively undertake modelling of the scheme to ensure there are no impacts from the unrestricted proposed discharge rate.
- (iii) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event
- (iv) Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

21. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. www.hertfordshire.gov.uk Informative to the LPA

22. No development (other than demolition works) shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

23. No dwelling shall be occupied until a Flood Warning & Evacuation Plan (FWEP) to identify safe access/egress routes and refuges in the event of extreme surface water flooding at the junction of the site with Arlesey Road has been submitted to and approved in writing by the local planning authority. The FWEP shall include details of the management and implementation of the plan. The FWEP shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the safety and health of occupiers and visitors to the site.

24. No demolition work shall commence until details of protection measures and where necessary the repair of the existing brick walls, piers and coping stones forming the boundaries of the site immediately south and east of East Lodge have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the wall shall be retained and repaired as agreed in accordance with the approved details.

Reason: In the interests of visual amenity and to retain important details associated with the historic mill use of the site.

25. 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 for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. 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 site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To ensure the protection of heritage assets of archaeological interest

26. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 26.

Reason: To ensure the protection of heritage assets of archaeological interest

27. 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 approved under condition 26 and the provision made for analysis and publication where appropriate.

Reason: To ensure the protection of heritage assets of archaeological interest

28. No development (other than demolition works) shall take place until details of a scheme for the provision of fire hydrants to serve the relevant phases of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The provision and installation of fire hydrants, at no cost to the County or Fire & Rescue Service.

Reason: To ensure all proposed dwellings have adequate water supplies for in the event of an emergency.

29. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
- (b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then 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
- (c) 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 (b), above; has been submitted to and approved by the Local Planning Authority.
- (d) 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 (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme. (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.
- (e) Any contamination, other than that reported by virtue of condition (a) and (b), 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.

30. No development (other than demolition works) shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason: To ensure that satisfactory provisions is made for the collection of refuse and

recycling.

31. Prior to the commencement of development (other than demolition works), full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside of the adopted highway/refuse collection vehicle access point [or within 5m]. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity

32. Prior to the commencement of development (other than demolition works), full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from within 15m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

33. Prior to the commencement of the development (other than demolition works), a pre-construction energy and sustainability statement to be submitted to and approved in writing by the Local Planning Authority setting out specific ways in which the energy usage of the development will be reduced. Thereafter, all measures set out and agreed shall be implemented in accordance with the approved plans.

Reason: To ensure that the development is energy efficient and minimises energy use.

34. Works that will affect roosting bats set out in the Bat Roost Survey Report dated October 2022 prepared by Wardell Armstrong shall not in any circumstances commence unless the local planning authority has been provided with a copy of either:
- a) a licence, or confirmation of valid licence, issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity / development to go ahead; or
 - b) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence. Development shall then proceed in accordance with that licence and in accordance with the approved bat report unless otherwise agreed in writing with the LPA.

Reason: In the interests of wildlife protection and in accordance with Conservation of Habitats and Species Regulations 2017

35. The development shall be carried out in complete accordance with the recommendations contained in section 4 of the submitted Badger and Otter Report

dated 2022.

Reason: In the interests of wildlife protection and in accordance with Conservation of Habitats and Species Regulations 2017.

36. Within a month prior to commencement of the development (including clearance work), a mammal walk-over survey of the site and 30m of adjacent land (access permitting) shall be carried out by a suitably qualified and experienced ecologist to check for the presence of further active badger setts, otter holts and water vole holes / feedings stations and if protected mammals will be impacted by the development proposals, appropriate mitigation to safeguard them must be submitted to the Local Planning Authority for approval. A licence may be required from Natural England to proceed lawfully. In the absence of the requirement for a licence any recommended non licensable mitigation should be carried out in full.

Reason: In the interests of wildlife protection and in accordance with Conservation of Habitats and Species Regulations 2017.

37. The reserved matters submission shall include an undeveloped 10 metre buffer to the river as set out in the submitted Preliminary Ecological Appraisal (Phase 1 Habitat Survey) prepared by Wardell Armstrong.

Reason: In the interests of wildlife protection and in accordance with Conservation of Habitats and Species Regulations 2017.

38. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall deliver a net gain in habitat units from a combination of on and offsite measures to achieve a measurable net gain to biodiversity and include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate creation and management options for achieving the required number of ecological units as detailed in approved metric (including species mixes).
- e) Prescriptions for management actions which must correspond with and directly reference the habitat and condition scores in the approved metric.
- f) Preparation of a 5 year work schedule (including an annual work plan) capable of being rolled forward in perpetuity i.e. 30 years, with habitats clearly marked on plans.
- g) Ongoing monitoring and reporting schedule, with assessment and triggers for remedial measures.
- h) Required actions should habitat areas fail to reach stated condition in the approved metric.
- i) Details of the body or organisation responsible for implementation of the plan.
- j) Details of integrated bird and bat boxes, make, model and location.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity.

39. No development shall commence (other than demolition works) until full details of the following have been submitted to and approved in writing by the local planning authority:
- (i) a site wide wildlife-sensitive lighting scheme;
 - (ii) hedgehog friendly boundary treatments;
 - (iii) the provision of 20 bat boxes.
- Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity.

Reason: In the interests of wildlife and habitat protection and enhancement.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process 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. Environmental Health:
During the change of use 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 08:00-13:00 hours and Sundays and Bank Holidays: no work at any time.

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.
2. EV Charging Point Specification
A 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 termination 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.

- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at

<https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>

- o UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov consultation response.

3. Highways

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.

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>

4. Lead Local Flood Authority

Please note that the watercourse within the site boundary is an ordinary watercourse. Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.

5. Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public

open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

6. Herts Ecology

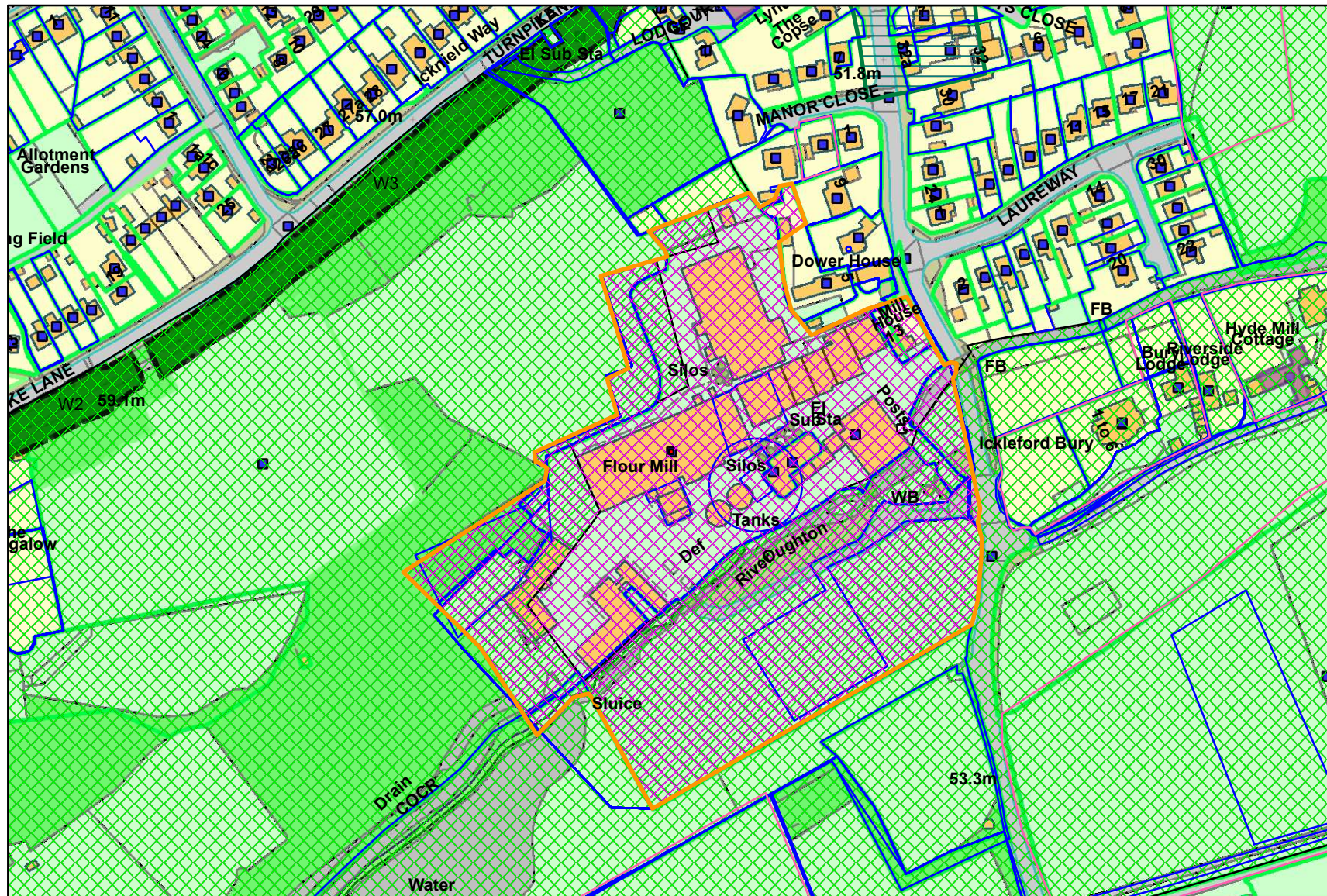
The site wide lighting scheme should be minimised by the use of lights with warm white light sources, UV filters, movement sensors, and directional downlights - illuminating below the horizontal plane which avoid light trespass into the environment. The use of light directional accessories such as baffles, hoods and louvres can assist with this. Particular attention should be made to avoid lighting of the trees, hedgerows and the river. Lighting types to be avoided include any blue-white light sources, metal halide and mercury lamps, and any form of uplighting, which lights above the horizontal plane, illuminating trees and foraging habitat. A bat mitigation licence will be required from Natural England to proceed lawfully with demolition of B6 and satisfy the Conservation of Habitats and Species Regulations 2017 (as amended).

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

17/01955/1 Ickleford Mill, Arlesey Road, Ickleford

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prlistbld.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp
-  Conservation Area
Prconarea.shp
-  District Local Plan Boundary
Prdlp2.shp
-  Green Belt
Prgrnbelt.shp
-  Health & Safety Consultation Zone
Prhazzone.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwarded.shp
-  Noise Nuisance Indicators
Prnnis.shp
-  Indicative Flood Plain
Prifpm.shp



Scale 1:2,500

Date: 29/11/2022

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Location: Land Adjacent To Red Brick Cottage
The Street
Kelshall
Royston
Hertfordshire
SG8 9SQ

Applicant: Mr and Mrs Cordell

Proposal: Erection of one detached 4-bed dwelling including new vehicular access, garage, parking and landscaping (as amended by plans received 9th August 2022).

Ref. No: 22/01229/FP

Officer: Alex Howard

Date of expiry of statutory period: 1st July 2022.

Extension of statutory period: 16th December 2022

Reason for Delay: In order to present the application to an available committee meeting.

Reason for Referral to Committee: The application has been called in by Cllr Morris on the basis that the applicant believes that:

- The application site cannot be described as infill.
- The character of the village is not continuous ribbon development and the views between houses towards the countryside are part of this special character.
- This proposal would destroy the unique character of the village.
- Considers another previously approved application in Kelshall (20/02292/OP) to be infill and different to this site, so this application should be refused.

1.0 **Site History**

1.1 N/A.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP2: Settlement Hierarchy and Spatial Distribution

Policy SP8: Housing

Policy SP9: Design and Sustainability

Policy SP12: Green Infrastructure, Landscape and Biodiversity

Policy SP13: Historic Environment

Policy T1: Assessment of Transport Matters

Policy T2: Parking

Policy CGB1: Rural Areas beyond the Green Belt

Policy D1: Sustainable Design

Policy D3: Protecting Living Conditions
Policy D4: Air Quality
Policy NE1: Landscape
Policy NE4: Biodiversity and Geological Sites
Policy HE11: Contaminated Land
Policy HE4: Archaeology

Supplementary Planning Documents

Vehicle Parking at New Development SPD September 2011

2.2 National Planning Policy Framework (July 2021)

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable development
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment

3.0 Representations

3.1 Site Notice and Neighbour Consultation – A total of 21 representations were received from interested parties, all objecting to the proposal on the following grounds (summary):

- The Street is a single-track road with no footpaths and two blind bends. It is not designed or equipped to accommodate infill development.
- Concerns that the hedgerow that fronts The Street is an Ancient Hedgerow, which if removed would have a negative impact on biodiversity.
- The land should remain as a meadow.
- Queries over the accuracy of the Ecological Impact Assessment.
- Queries over the accuracy and placement of the Speed Survey.
- Concerns over the potential precedent that could be set for further development in Kelshall.
- Concerns over the general impact of this scheme on the existing biodiversity on this site.
- Proposed access is located opposite an existing access, enhancing risk of accidents.
- Queries over potential archaeological impacts.
- This site cannot be considered as an infill site.
- Proposal will have a negative impact upon the character of Kelshall.
- Concerns over the potential flooding impacts that could arise post development.
- Belief that possible infill sites should be considered by parishioners.
- Loss of walking space.
- Loss of countryside views from properties opposite the site.
- Potential light pollution.
- Another property on The Street would worsen the impacts already experienced here.

3.2 Hertfordshire Highways – No objection to the original proposal subject to conditions. The Highways officer recommended that the applicant could complete a speed survey on The Street to potentially reduce the visibility splay. This speed survey was carried out and an amended site plan was submitted to Highways for a response. They stated no objection to the revised site plan, subject to conditions.

3.3 Kelshall Parish Council – Objects to the proposal.

- 3.4 **Environmental Health (Air Quality)** – No objection subject to condition.
- 3.5 **Environmental Health (Land Contamination)** – No objection subject to condition and completion of questionnaire.
- 3.6 **Environmental Health (Noise)** – No objection subject to informatives.
- 3.7 **Archaeological Implications** – No objection.
- 3.8 **Waste and Recycling** – Suggested general guidance.
- 3.9 **Hertfordshire Ecology** – No response received. I had sought the advice of Herts Ecology on 2 occasions, relating to the concerns raised by a number of neighbours around the existing hedgerow, which is claimed to be an Ancient Hedgerow with extensive biodiversity.
- 4.0 **Planning Considerations**
- 4.1 **Site and Surroundings**
- 4.1.1 The site is a parcel of land located adjacent to Red Brick Cottage and fronting The Street, Kelshall. The land is currently used as a meadow and has an existing access to it from The Street, with a metal gate. The site is split from The Street by a mature hedgerow and there is a public footpath that runs in a diagonal line across the area from north to south.
- 4.1.2 Kelshall is designated as a Category B settlement and all of the site is within the Rural Area beyond the Green Belt, as per the Adopted North Hertfordshire Local Plan.
- 4.2 **Proposal**
- 4.2.1 Planning permission is sought for the erection of one chalet bungalow style detached 4-bed dwelling including new vehicular access, garage, parking and landscaping. The dwelling would measure 14.5 metres in width, 11 metres in maximum length, with a pitched and gabled roof to contain pitched roof dormer windows and conservation rooflights. Vehicular access is proposed as a new access from The Street, with the existing access closed and planted with continued hedgerow. A driveway would provide at least two external parking spaces, with two spaces to the garage and ample turning area to the frontage. The double garage is proposed with a pitched roof and matching materials to the dwelling. A cycle store would be located to the rear garden.
- 4.2.2 The application is supported by the following documents:
- Plans and Elevations:
AMENDED 2021-60-03A Existing and Proposed Location Plans, AMENDED 2021-60-02A Proposed Site Plan and Street Scene Elevation, 2021-60-01 Dwelling and Garage Proposed Floor Plans and Elevations, NEW ST-3239-700 Access Drawing.
 - Planning; Design and Access Statement.
 - Preliminary Ecological Appraisal
 - Arboricultural Impact Assessment (and appendices)
 - Speed Survey Technical Note

4.3 Key Issues

4.3.1 The key issues for consideration are the:

- ☐ Principle of development
- ☐ Design
- ☐ Impact on the character of the area
- ☐ Impact on neighbouring dwellings
- ☐ Impact on future occupiers
- ☐ Landscaping
- ☐ Access, Parking and Highways
- ☐ Other Matters

Principle of Development

4.3.2 Kelshall is designated as a Category B settlement within Policy SP2 of the Local Plan, where ***“infilling development which does not extend the built core of the village will be allowed”***. This settlement does not have a defined settlement boundary and is therefore designated as Rural Area beyond the Green Belt in the Local Plan, where there is a general presumption against development unless certain criteria are met. Policy CGB1 sets out these criteria, stating that permission will be granted for ***“infilling development which does not extend within the built core of a Category B village”***. As such, the main consideration at this stage is whether the site can be regarded as infill and whether it will extend the built core of the village, for the purposes of the aforementioned policies.

4.3.3 Kelshall can be characterised as a linear village in my view, with sporadic built form from the southern part of The Street up towards North End. The village does not have a defined settlement boundary, so an objective view is required to determine the built core. In my opinion, there are small clusters of built form in Kelshall, located towards North End, the centre of the village around the junction, and on The Street. These clusters are, in the spirit of Policy SP2 and CGB1 of the Local Plan, considered to be the built core of Kelshall in my opinion. The application site is located on the north-east side of The Street, with a number of residential properties located to the south-east and west. There are residential properties to the north of the site, but there is a coppice which separates them physically. As such, it is considered that due to the built form that is present in the areas surrounding the site, it can be classed as part of the villages existing built core. To that end, my professional view is that the proposed development would not extend the built core of this category B village.

4.3.4 In my view, when you consider the location of the site from a bird's eye view, it appears to be an infill plot. As already stated, there are a number of residential properties located within close proximity to the site, with Red Brick Cottage to the south-east, five dwellings to the west on the opposite side of The Street and Flint Cottages immediately north of the separating coppice. Therefore, in a village where built form is sporadic in nature, this site would be physically and visually related to a number of existing properties on three sides in a linear fashion, which in my view dictates that it can be considered as an infill plot for the purposes of Local Plan Policy.

4.3.5 A number of interested parties have cited a previous decision in Kelshall at Land Adjacent to 9 North End (ref: 20/02292/OP), which approved outline permission for a single dwelling. The view is that the site approved under this application is classed as infill, but the application site before me is not. Whilst it is acknowledged that the site at North End is smaller than the application site, the North End site was only bounded by built form on one side, the north dwelling to the north. Surrounding countryside is located to the west, south and north-east of the site, with other residential properties

located to the east. Therefore, it is my opinion that if the site approved under 20/02292/OP was deemed to be an infill plot, even in light of the aforementioned considerations, then the application site can also be classed as infill for the purposes of planning.

- 4.3.6 On the subject of infill plots and the Rural Area beyond the Green Belt, there are some appeal decisions of relevance to this consideration. An application for a single detached dwelling in Ashwell (ref: 21/01745/FP), that was outside the settlement boundary, was refused for being contrary to the criteria set out in Policy CGB1 of the Local Plan and its predecessor, Saved Policy 6. This was appealed to PINS and allowed, where the Inspector considered that the proposal would not be at odds with the spirit of Policy CGB1. In my view, the application site is more of an infill plot when compared to the Ashwell application in a physical and visual sense. Moreover, an application for three dwellings in Old Knebworth (ref: 20/02109/FP), that was outside the settlement boundary, was refused for constituting inappropriate development in the Green Belt. This was appealed to PINS and allowed, where the Inspector considered that the site could be classed as an infill plot within the village. This site did not benefit from a built-up frontage opposite, which can be said for the application site, and was deemed to be physically and visually related to the settlement. Whilst it is acknowledged that each application is taken on its own merits, my professional view is that in light of these appeal decisions it would be difficult to defend a refusal of this application on the grounds of not being infill, at appeal.
- 4.3.7 Many of the responses received from interested parties in opposition to this proposal are concerned about the potential for a precedent being set. These concerns are indeed acknowledged; however, Kelshall has been designated as a Category B village in the recently adopted Local Plan. This will inevitably invite further applications for housing as part of the planned approach to increasing housing supply in smaller villages, in accordance with the criteria set out in Policy SP2 and CGB1 of the Local Plan.
- 4.3.8 As such, in light of the aforementioned considerations regarding the designation of Kelshall as a Category B settlement in the Local Plan, the sporadic nature of the village and the clusters of built form that make up the villages' built core, this proposal would not extend the built core of this village in my view. Moreover, by virtue of the site's characteristics with existing properties in close proximity and the consideration given to previous delegated and appeal decisions, the proposal can be classed as infill development in my opinion.
- 4.3.9 The proposed development is therefore deemed acceptable in principle, in accordance with Policy SP2 and CGB1 of the Local Plan.

Design

- 4.3.10 The proposal consists of a single chalet bungalow style detached property and detached double garage. The dwelling would measure 14.5 metres in width, 11 metres in maximum length, with a pitched and gabled roof to contain pitched roof dormer windows and rooflights, measuring at a maximum of approx. 3.6m to eaves and 7.3m to ridge. As for materials, it is proposed to utilise Wienerberger Chartham multi stock brickwork plinth, with ebony stained timber weatherboarding and eternit grey slate tiles. Fenestration is proposed of ebony stained timber frames, with conservation rooflights. The double garage is proposed with a pitched roof and matching materials to the dwelling.
- 4.3.11 There are a multitude of traditional architectural styles as well as differing scales, proportions and forms in Kelshall, which can be seen amongst the immediate

neighbouring properties of the site. This mixture of house types is part of the village character and in my opinion, the design of the proposed dwelling would be sympathetic. The chalet bungalow form is considered appropriate in this location, seeing as the site is on a raised ground level from The Street, which will ensure it is not overly dominant in the street scene. The traditional form and architectural style are considered to be in-keeping with the existing dwellings in the village, whilst the use of high-quality materials will ensure the property sits comfortably amongst the existing built form. Therefore, it is my opinion that the design of the proposal is acceptable in planning terms, where the overall proportions and choice of materials will be sympathetic to the existing properties in the village.

4.3.12 The proposed detached double garage is to be sited to the south-east side of dwelling hereby proposed, with matching materials and form. The garage will have lower ridge and eaves in comparison to the main property, to ensure its subservience. Therefore, in design terms, I consider the proposed garage to be acceptable.

4.3.13 As such, the proposed dwelling and garage are considered sympathetic in form, proportions and design, such that the scheme has responded positively to the site's local context and will be sympathetic to the broad character of existing dwellings in Kelshall. This is in accordance with Policy D1 of the Local Plan and Section 12 of the NPPF.

Impact on the Character of the Area

4.3.14 The detached dwelling and garage will be visible over the to-be replaced 2.5m hedgerow that will front The Street, which will to an extent be harmful when compared to the existing arrangement. However, the proposed dwelling is shown to be set back 17.2m from The Street, which is considered to be a significant distance and appropriate given the raised ground level at the site. This set back nature, coupled with the replacement 2.5m hedgerow, will limit the impact of the proposal upon the character and appearance of the area in my view, such that the level of harm attributed would not be adverse.

4.3.15 It is also noted at this stage that the proposed development seeks to remove the existing dense 2.5m hedgerow where required, to facilitate the proposed vehicular access and visibility splays, before replacing the hedgerow on either side. This aspect of the development hereby proposed will be looked at in more detail in latter parts of this report, but it is considered that the proposed vehicular access will also have an impact upon the character of the area. Many of the representations received from interested parties state that this hedge is part of the village's character, a point I agree with entirely. That said, the proposed access is to be approx. 4.2m wide and the entire hedgerow is approx. 65m wide, which is not a considerable loss of hedgerow in my opinion. Therefore, whilst the proposed access will have some impact upon the character of this area, I do not consider this level of harm to be significant, given the width of the replacement hedgerow by comparison to the amount lost to the proposed access.

4.3.16 As such, it is my view that whilst the proposed development will result in a marked change to the character of the area, through the erection of built form on land where there currently is none and the removal of part of the hedge (following its replacement), the set-back nature and sympathetic design of the proposal is such that I do not consider the level of harm upon the character of the area to be adverse.

Impact on Neighbouring Dwellings

- 4.3.17 The location and scale of the proposed dwelling on this site is such that there would be a significant distance between it and the immediate neighbours. A distance of 45 metres would be between the front windows of the new dwelling and the opposite properties along The Street. There is only one habitable room first floor window proposed, which is to be a bedroom, with the other two windows being a landing window and a rooflight to the bathroom. The bathroom window would be obscure glazed via condition.
- 4.3.18 It is considered that the proposed bedroom and landing windows are acceptable to be clear glazed and opening, given the very significant distance to the dwellings opposite the site which is unlikely to result in any material increase in overlooking abilities or loss of privacy. Moreover, whilst it is acknowledged that the proposed dwelling would be situated on land that has a raised ground level when compared to the properties on The Street, the chalet bungalow form and scale is such that in my opinion, compounded by the setback location, the scheme is unlikely to result in any overbearing and daylight/sunlight impacts upon these immediate neighbours.
- 4.3.19 Concerns were raised by the neighbours opposite the site on The Street, that the proposal would directly impact upon the views they currently enjoy of this meadow and would potentially cause light pollution from windows and vehicles entering/leaving the site. Taking the impact on views first, outlook is not a protected aspect in planning and therefore I am unable to attach any weight to this perceived harm. Secondly, whilst a dwelling on this plot would see increased levels of light from the property and vehicles compared to what there is now, this would be intermittent and would not be a sufficient or appropriate reason to object to this proposal in my opinion.
- 4.3.20 Therefore, in light of the above, whilst it is acknowledged that the proposal will have some impact upon the amenities, reasonable living conditions and well-being of neighbours, it is unlikely that a dwelling of this scale and location will occasion adverse levels of harm to these neighbouring properties. This is in accordance with Policy D3 of the Local Plan and Section 12 of the NPPF.

Impact on Future Occupiers

- 4.3.21 The proposal would provide a high standard of residential amenity and living conditions for future occupiers. The dwelling would exceed the nationally described space standards with an internal layout providing 217 sqm of accommodation (the minimum is 118sqm for a 4bedroom/7 person dwelling with two stories). All windows would receive a high standard of natural light and outlook. The rear garden would be sizable and would be an appropriate amenity space for occupants to enjoy.
- 4.3.22 As such, the scheme would provide a high standard of amenity for future occupiers, in accordance with Policy D1 of the Local Plan and Section 12 of the NPPF.

Landscaping/Ecology

- 4.3.23 In regard to landscaping, the proposal seeks to utilise the space around the proposed development for a lawn/grass area. The hedgerow and trees on the northern boundary are to be retained as is, with a new 2.5m hedgerow planted on the diagonal south-east boundary, adjacent to the existing public footpath. The existing pond to the rear of the site is to be retained. In my view, the above proposals are acceptable in planning terms as they will ensure a biodiversity net gain, in line with Policy NE4 of the Local Plan.
- 4.3.24 One of the more significant considerations of this application is centred around the existing hedgerow that fronts The Street. The hedgerow is approx. 2.5m in height and spans the entire width of the site's frontage. Many of the representations I have

received from interested parties are concerned with the hedgerow, stating that it is an 'Ancient Hedgerow' which is also rich in biodiversity. Some of the interested parties were also unclear about what was happening to this hedgerow, as the plans and submitted information have conflicting information.

4.3.25 It is my understanding that the existing hedgerow on the frontage with The Street was always proposed to be removed and replaced to accommodate the proposed access and required visibility splays. It is not possible to retain the existing hedgerow as it and achieve the required access visibility levels, based on the information submitted. It is my opinion that the hedgerow in question is a positive part of this areas character and in light of the concerns raised by interested parties, it was considered appropriate to consult Hertfordshire County Council's Archaeology and Ecology Departments, to determine whether this hedgerow is afforded some form or protection. The response received from Archaeology via email is as follows:

- *"Kelshall is in HCC's Landscape Character Area 229 (LANDSCAPE CHARACTER ASSESSMENT OF NORTH HERTFORDSHIRE), which has several recommendations for how hedgerows should be dealt with in this area, though none of them advise blanket preservation.*
- *Ecological criteria may be able to define whether the hedgerow is 'ancient', as the presence and maturity of certain species will indicate to a qualified ecologist how long the hedge has been established on the site. If the hedge is removed and replaced, ecology's main concerns would be that it was replaced with native species and to produce a biodiversity net gain (both of which I note are discussed in the DAS).*
- *From a Historic Environment perspective, the hedgerow does not appear to mark a parish or township boundary, or the boundary of a known estate or manor. It does not incorporate a known archaeological feature on our Historic Environment Record. It is also not visible on the first edition OS map for this area or the enclosure map of 1757. It is, however, adjacent to the roadway of The Street, through the village centre of Kelshall. There is unlikely to have been any significant change in the road line shown on the maps, and the existing hedgerow may therefore be an ancient roadside feature".*

4.3.26 There is legislation under The Hedgerow Regulations 1997 which states that some hedgerows are offered protection if they meet certain criteria relating to length, location and importance. These are expressed below and have been taken from the Gov.uk website:

"Length

A hedgerow is protected if it's:

- ☐ *more than 20m long with gaps of 20m or less in its length*
- ☐ *less than 20m long, but meets another hedge at each end*

Location

A hedgerow is protected if it's on or next to:

- ☐ *land used for agriculture or forestry*
- ☐ *land used for breeding or keeping horses, ponies or donkeys*
- ☐ *common land*
- ☐ *a village green*
- ☐ *a site of special scientific interest*
- ☐ *a protected European site such as a special area of conservation or special protection area*
- ☐ *a local or national nature reserve*
- ☐ *land belonging to the state*

A hedgerow is not protected if it's in, or marks the boundary of, a private garden.

'Importance'

A hedgerow is important, and is protected, if it's at least 30 years old and meets at least one of these criteria:

- ☐ *marks all or part of a parish boundary that existed before 1850*
- ☐ *contains an archaeological feature such as a scheduled monument*
- ☐ *is completely or partly in or next to an archaeological site listed on a Historic Environment Record (HER), (formerly a Sites and Monuments Record)*
- ☐ *marks the boundary of an estate or manor or looks to be related to any building or other feature that's part of the estate or manor that existed before 1600*
- ☐ *is part of a field system or looks to be related to any building or other feature associated with the field system that existed before 1845 - you can check the County Records Office for this information*
- ☐ *contains protected species listed in the Wildlife and Countryside Act 1981*
- ☐ *contains species that are endangered, vulnerable and rare and identified in the British Red Data books*
- ☐ *includes woody species and associated features as specified in Schedule 1, Part II Criteria, paragraph 7(1) of the Hedgerow Regulations - the number of woody species needed to meet the criteria is one less in northern counties".*

4.3.27 This hedge is more than 20m long with gaps of 20m or less and next to a paddock, so it would meet the tests of length and location. The remaining test related to importance and was the purpose of the consultation with County's Archaeological and Ecology Departments, to determine whether the hedge does in fact meet this test.

4.3.28 As a result of the above response stated in 4.3.25 from Archaeology, my query was internally passed on to the Ecology Department for comment, but no response has been received since then. Moreover, County Archaeology have formally responded to the consultation, stating that the *"development is unlikely to have a significant impact on heritage assets of archaeological interest and I have no comment to make upon the proposal"*.

4.3.29 Therefore, in line of the above, there is no conclusive evidence before me to suggest that the hedgerow in question is afforded any level of protection in an archaeological or ecological sense, in the absence of a response from the Ecology team.

4.3.30 The proposed development states that following the removal of this mature hedgerow on the frontage, a new native hedgerow grown to 2.5m high will be put back in line with the required access/visibility splays, to mitigate the loss of important landscaping and biodiversity in this area. In my opinion, this is an appropriate compromise to the loss of the existing hedgerow. The replacement hedgerow would be subject to a suitably worded condition, should permission be granted.

4.3.31 The proposal also looks to incorporate hard landscaping for the driveway, in the form of permeable shingle and grey cobbles, which are acceptable in my opinion.

4.3.32 With respect to the ecology of the site, the applicant has submitted a Preliminary Ecological Assessment that has been undertaken by Arbtech in April 2022. The report concludes that no protected species are present on the site, with a precautionary working method to be adopted throughout the development and for hedgerow removal at the appropriate time of the year. This is contrary to some of the representations I have received from neighbours, who suggest there are various species of wildlife at this site and that the accuracy of this report is questionable. However, in the absence of a formal response from Hertfordshire Ecology it would be unreasonable to object to this proposal on ecological grounds in my view. It is considered appropriate to

condition that the precautionary measures set out in the Preliminary Ecological Assessment be carried out on site, should permission be granted.

- 4.3.33 Overall, the proposed development will provide a net gain of biodiversity, through the planting of hedgerows on the south-east boundary, retention of the northern hedgerows and trees and rear pond, and replacement of the hedgerow fronting The Street. This is considered compliant with Policy NE4 of the Local Plan and Section 15 of the NPPF.

Access, Parking and Highways

- 4.3.34 The application proposes a new vehicular access of The Street with appropriate visibility splays. The originally proposed vehicular access point was shown in the centre of the site's frontage onto The Street, opposite No.3 and 4. Following consultation with the agent and the Hertfordshire Highway Department, due to the considerations around moving the proposed access away from opposite the neighbour's driveway so far as practicable, the applicant commissioned a speed survey to determine whether speeds are below the 85th percentile for the 30mph speed limit. If the survey concluded that they were, then the visibility splay requirements could be reduced. As such, following the result of the speed survey and after taking the representations of the neighbour's opposite into account, the vehicular access location has been moved slightly south away from the existing driveway. The results of the speed survey concluded that the visibility splays could be reduced from the standard measurements (from 2.4m x 43m to 2m x 27m and 2m x 31m). The Highway Authority were consulted on the amended plans identifying the new access location and amended visibility splays, stating no objection subject to conditions. As such, the proposed access and visibility splays are considered acceptable in planning terms. Concerns have been raised over the accuracy of the speed survey and how it was conducted, however seeing as Highways have not considered any issues with the submitted information, I have no reason to object in this regard.
- 4.3.35 As a result of the setback replacement hedgerow, reduced visibility splays and relocation of the access, there is an opportunity to incorporate some informal passing places either side of the proposed access. This would, in my opinion, mitigate some of the concerns raised by neighbours by allowing vehicles to pull in to this area (not residents driveways) and therefore reduce the possibility of accidents on the existing single-track road.
- 4.3.36 The proposed development would seek to erect a double garage with ample space for parking on the driveway. This would exceed the required two parking spaces under the Vehicle Parking at New Developments SPD and as such, there are no objections to parking in my opinion. An EV charging point would be incorporated in the proposal, enforced via condition.
- 4.3.37 When taking general highway matters into account, a number of representations received have concerns over the single-track road with no footpaths and two blind bends, where it is stated that numerous near misses have taken place. The comments suggest that The Street is not designed or equipped to accommodate infill development for this reason. Whilst I do acknowledge that The Street is a narrow road with no pedestrian access, the Highway Authority have no objections to the proposal subject to conditions. Therefore, it would be wholly unreasonable to object to this scheme in this regard in the absence of a formal objection from Highways.

Other Matters

- 4.3.38 One concern raised was centred around the existing flooding issues that could be made worse by the proposed development. Whilst I do appreciate that flooding is an issue in Kelshall, the appropriate body to comment on this issue is the Local Lead Flood Authority who do not have the capacity to respond to applications for single dwellings. That said, the site is within Flood Zone 1, which means it would be fair to conclude that the proposed development would result in an increase in flooding.
- 4.3.39 Another concern raised by a local resident was that infill sites should be decided by parishioners. I am not aware of a mechanism to make this a reality but would point out that Parish Councils have the opportunity to comment on planning applications, so they do have a say to an extent.
- 4.3.40 The proposed development seeks to include bins on the side of the dwelling between the double garage. North Herts require 3 wheelie bins and 2 collection boxes, which in my view can be accommodated in this space and not result in any harm to the character of the area.

4.4 Conclusion

- 4.4.1 In line with the above, it is necessary for the decision taker to weigh up all of the policy considerations in this regard to determine whether the proposal is in accordance with the Local Plan.

In my opinion, the positive aspects of this scheme are that the proposed development is acceptable in principle, as it can be classed as an infill plot that will not extent the built core of the village, in accordance with Policy SP2 and CGB1 of the Local Plan. The design of the proposed dwelling and garage are considered to be acceptable and sympathetic to the varied character, scale and forms that exist in Kelshall. The proposal should not occasion any significantly adverse impacts upon the reasonable living conditions and well-being of neighbouring dwellings, with respect to overdominance, daylight/sunlight loss, light pollution and overlooking in my view. The dwelling has been designed to exceed minimum space standards and will give future occupiers a high standard of amenity generally. The location of the proposed access has been amended to be away from the opposite neighbour's driveway and the visibility splay requirements have been reduced following the completion of a speed survey, which is considered acceptable in planning terms. Moreover, as a result of the proposal, there is an opportunity to incorporate some informal passing places on The Street either side of the proposed access, which may improve the conditions that have been expressed by neighbours in this regard. The proposal would provide adequate levels of parking in line with the Vehicle Parking at New Developments SPD. Therefore, taking all of the above into consideration, the proposed development is deemed in accordance with Policies SP2, D1, D3, T2 and CGB1 of the Local Plan and Sections 12 and 15 of the NPPF.

However, the proposed development does have negative aspects in my view, which is that to accommodate the proposal, the existing hedgerow that fronts The Street will have to be removed and replaced and the development will have an impact upon the character of the area. Firstly, this hedgerow has drawn a lot of interest from interested parties, due to its age and perceived significance, and is acknowledged to be an important part of this areas character. However, following consultation with the County Council's Archaeology and Ecology Departments there is no conclusive evidence before me to suggest that the hedgerow in question is afforded any level of protection in an archaeological or ecological sense. Therefore, whilst I acknowledge that it is a shame to lose this hedge which no doubt supports biodiversity and positively contributes to the street scene, a refusal on such grounds would not be substantiated and the applicants are proposing to replace it anyway. The applicants

are also proposing to plant another hedgerow on the south-east boundary which, alongside this replacement and retention on the northern boundary, may result in a biodiversity net gain in line with Policy NE4 of the Local Plan. Secondly, the absence of built form on this site is such that the proposal will result in some harm upon the area's character and appearance. The meadow is an attractive space at present and is clearly an enjoyed space by the village. However, in my opinion, the set-back nature and sympathetic design of the proposal is such that I do not consider the level of harm upon the character of the area to be significantly adverse enough to warrant a refusal.

Therefore, when weighing the aforementioned considerations in the planning balance, it is my professional opinion that the positive aspects of the proposal outweigh the negative, which would dictate that planning permission should be granted, subject to conditions.

4.5 **Alternative Options**

4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 The agent is in agreement with the proposed pre-commencement conditions.

4.7 **Climate Change Mitigation Measures**

4.7.1 N/A

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. Prior to the first commencement of the development hereby permitted, a plan for the storage of cycles and be designed in line with design standards contained in Chapter 11 of the Cycle Infrastructure Design' DfT Local Transport Note 1/20 (July 2020). Prior to first occupation the approved design shall be fully implemented and thereafter retained for this purpose. Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies

1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018).

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).

4. Prior to the first occupation of the development hereby permitted the vehicular access shall be completed and thereafter retained as shown on drawing 2021 / 60 / 02A (Access Point Altered, Dwelling and Garage moved 2.0m south - East) in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to use appropriate arrangements shall be made for surface water 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).

5. Prior to the first occupation of the development hereby permitted the vehicular access to, and egress from, the adjoining public highway shall be limited to the access shown on drawing number (2021 / 60 / 02A) only. The existing access shall be permanently closed, and the highway verge /hedgerow shall be reinstated in accordance with a detailed scheme to be approved in writing by the Local Planning Authority in consultation with the highway authority.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety and amenity in accordance with Policies 5 and 7 of Hertfordshire's Local Transport Plan (adopted 2018).

6. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:
 - a. Access arrangements to the site;
 - b. Traffic management requirements
 - c. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - d Siting and details of wheel washing facilities;
 - e Cleaning of site entrances, site tracks and the adjacent public highway;
 - f. Provision of sufficient on-site parking prior to commencement of construction activities;
 - g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - h. 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

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

7. The applicant will be provided with a questionnaire to complete and return. Once the completed questionnaire is returned we will use the information provided to ascertain whether a more formal assessment, or investigation of land contamination, is

necessary.

(a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of written information allowing a preliminary environmental risk assessment to be undertaken, which allows the creation of a Conceptual Site Model which indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites), with a view to determining the presence of contamination likely to be harmful to human health, and the built and natural environment.

(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then 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

(c) 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 (b), above; has been submitted to and approved by the Local Planning Authority.

(d) 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 (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

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

(e) Any contamination, other than that reported by virtue of condition (a) and (b), 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.

8. Before any development commences, full details of the landscaping plan for the areas surrounding the proposed dwelling are to be submitted to and agreed in writing by the Local Planning Authority. The approved details are to be implemented on site in the first planting season following the completion of the development, and maintained for as long as the development hereby approved is occupied. The details of the landscaping scheme must include the following:

a) what new and existing trees, shrubs, hedges and grassed areas are to be retained/planted, together with the species proposed and the size and density of

planting;

- b) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed;
- c) details of any earthworks proposed.

Reason: To ensure a suitable scheme is implemented on the site and in the interests of the finished appearance of the completed development.

9. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

10. 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 above ground level and shall be implemented as approved.

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

11. The development hereby permitted shall be carried out wholly in accordance with the programme of measures stated to adhere to guidance, legislation and planning policies, set out in Table 6 of the submitted 'Preliminary Ecological Appraisal by Arbtech' dated April 2022, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard any protected species that may be present at the site, as required by the NPPF.

12. The bathroom window at first floor level on the front elevation of the development hereby permitted shall be permanently glazed with obscure glass.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

13. Following the removal of the existing mature hedgerow that fronts The Street to commence the development hereby permitted, the replacement hedgerow as indicated on plan no. 2021/60/02A shall be planted in the first planting season immediately after the construction of the new access or prior to occupation of the dwelling hereby permitted; whichever is sooner. The hedgerow shall be maintained in the approved location and allowed to mature to a height of 2.5m and be thereafter retained at that height, unless otherwise agreed in writing by the Local Planning Authority. If any sections of the hedgerow die within the first five years of being planted they are to be replaced.

Reason: To mitigate the loss of the existing mature hedge and preserve the character of the area.

14. 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.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

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:

1. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority 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.
AN2) 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.
AN3) 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>

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN5) Gravel / shingle driveways: Where loose gravel or shingle is used, a suitable measure to prevent material spilling onto the road/footpath/verge must be installed. It is an offence under section 148 of the Highways Act 1980 to deposit debris onto the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Further information is available by telephoning 0300 1234047.

AN6) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN7) New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN8) The Public Right of Way(s) should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works. Safe passage past the site should be maintained at all times for the public using this route. The condition of the route should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials

(especially overspills of cement & concrete) should be made good by the applicant to the satisfaction of the Highway Authority. No materials shall be stored or left on the Highway including Highway verges. If the above conditions cannot reasonably be achieved, then a Temporary Traffic Regulation Order (TTRO) would be required to close the affected route and divert users for any periods necessary to allow works to

proceed, for which a fee would be payable to Hertfordshire County Council. Further information is available via the County Council website at <https://www.hertfordshire.gov.uk/services/recycling-waste-and-environment/countryside-access/rightsof-way/rights-of-way.aspx> or by contacting Rights of Way, Hertfordshire County Council on 0300 123 4047.

2. As the above application is for a small development to one dwelling, and as we are not aware of any previous potentially contaminative use of the site, we have provided a questionnaire for the applicant to complete and return, (available on the NHDC website, www.northherts.gov.uk at Environmental Health Pollution Contaminated Land Development of Brownfield Sites and Developments with Sensitive End Uses). Once the completed questionnaire is returned, we will use the information provided to ascertain whether a more formal assessment, or investigation of land contamination, is necessary.
3. 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.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

22/01229/FP Land Adjacent to Red Brick Cottage, The Street, Kelshall, Royston, Hertfordshire, SG8 9SQ

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prlistbld.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp
-  Conservation Area
Prconarea.shp
-  District Local Plan Boundary
Prdlp2.shp
-  Green Belt
Prgrnbelt.shp
-  Health & Safety Consultation Zone
Prhazzone.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prnnis.shp
-  Indicative Flood Plain
Prfipm.shp



Scale 1:1,250

Date: 29/11/2022

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|-------------------|--|
| <u>Location:</u> | Church of St Peter, Pirton Road, Holwell, Hitchin, Hertfordshire, SG5 3SR |
| <u>Applicant:</u> | - |
| <u>Proposal:</u> | T1 Redwood (Wellingtonia) |
| <u>Ref. No:</u> | TPO/00203 (2022) |
| <u>Officer:</u> | Vicki Wood |

1.0 **Proposal**

- 1.1 Confirmation of Tree Preservation Order TPO/00203 (2022) – T1 Redwood (Wellingtonia) at Church of St Peter, Pirton Road, Holwell, Hitchin, Hertfordshire, SG5 3SR.

2.0 **Site History**

- 2.1 In accordance with The Town and Country Planning Act 1900 (as amended) and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 North Hertfordshire Council served a provisional Tree Preservation Order dated 21 September 2022 in respect of the above which provides for a period of 6 months (21 March 2023) for the Local Planning Authority to confirm the Order.

3.0 **Representations**

- 3.1 A period of 28 days from the date of service of a provisional Tree Preservation Order provides for comments to be made. In this case, two letters of objection have been received, one from the Church Warden at St Peter's Church and one from the Owner/Occupier of 20 Rands Meadow raising the following concerns:

- Proximity of the tree being sited close to both the church and residential properties in terms of potential damage to property and/or injury to people living close by and/or attending graves;
- Possibility of the root system causing damage to drains and the potential costs to the church arising from this;
- Professional inspection (which is understood to be carried out on an annual basis by the land owners) has shown that there is trifurcation to the tree, meaning that it is more susceptible to water at the point where the trunk splits into three.
- If works were permitted to reduce the height of the tree, the tree would look peculiar and no longer aesthetically pleasing;
- Any works to limit root spread may leave the tree less stable;
- Non-native tree; and
- Not ecologically friendly given that only pigeons seem to like it.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 St. Peter's Church is a Grade II listed building located on the corner of Holwell Road and Pirton Road. Whilst the listing description makes reference to the building itself, it is important to consider the setting of the building as a whole in the context of the village.

4.1.2 The tree lies to the south east of St. Peters church within the grounds of the churchyard having residential properties located to the east, south and west.

4.2 **Key Issues**

4.2.1 When considering whether to confirm the TPO, it is essential that the following points be considered such as: any impact on the local environment in terms of loss of amenity if the tree was to be removed; any benefit in its retention for the present and the future and other relevant factors such as wildlife.

4.3 **Consideration**

4.3.1 Trees represent an important environmental, economic and amenity resource within the built and natural environment. They are recognised within the England Trees Action Plan 2021-2024; Tree Preservation Orders and Trees in Conservation Areas 2014 and the North Hertfordshire Council Tree Strategy 2017 and Climate Change Strategy 2020-2025. In addition to these, Section 14 (Meeting the challenge of climate change, flooding and coastal damage) of the NPPF and Policies SP12 – Green Infrastructure, biodiversity and landscape and NE1 – Landscape, all seek to support the contribution trees make to the natural environment.

4.3.2 Prior to the making of the provisional TPO, a visual assessment of the tree was undertaken by Maydencroft. The assessment looked at the tree condition at that time (September 2022) and the following findings were recorded:

Roots and buttress- No signs of heave or movement in the soil.

Base of trunk- No signs of fungal fruiting bodies, cavities or decay. Mature ivy at base has recently been severed allowing good visual access.

Main stem- unable to inspect the main stem from ground level to approximately 14m in height because of the presence of mature ivy.

Main unions- At approximately 14m above ground level the main stem splits into 3 separate codominant leaders. Due to height confirmation of the structural condition of unions at this point was not possible without an aerial climbing inspection.

Crown shape- Typical of species, with some historical pruning works being carried out, this was evident from the pruning wounds present on the outer crown.

Physiological condition- Some browning of the foliage was evident, however only in small isolated sections of the crown, this may be caused by the recent drought and is not something that should be taken as an immediate cause for concern.

4.3.3 The conclusion being a recommendation for its retention and the suggestion of a TPO being placed upon the tree. This recommendation was based on the condition of the tree at the time of the survey, further validated by the trees historical, landscape and amenity value.

- 4.3.4 In terms of the objections received, it is accepted that St.Peter's Church and churchyard are located within close proximity to residential properties and it is also accepted that the proximity of the tree in relation to these properties as well as the church is close. However, the tree is a mature specimen of which is understood to be in good health. Its height is a characteristic of this type of tree and although not native to this country, its presence in the churchyard provides a degree of public amenity value as well as providing a home for various wildlife species including birds and insects. In addition to this, is its contribution towards combating climate change and its ability to absorb carbon.

5.0 **Environmental Implications**

- 5.1 Trees contribute a key role in helping to tackle the climate emergency and creating a greener district. They not only directly remove carbon dioxide from the atmosphere and provide us with oxygen but also deliver many other benefits including: providing visual public amenity; softening or complementing the effect of the built environment; displaying seasonal changes and providing opportunities for biodiversity; making places more comfortable in noticeable ways by contributing to screening and shade; reducing wind speed and turbulence; reduce flooding by intercepting snow and rainfall and reducing sun glare.
- 5.2 Trees are also a key element of the green infrastructure network, contributing to urban cooling and providing microclimate effects which help reduce energy demands on buildings. They therefore represent a key resource that can significantly contribute to climate change adaptation.

6.0 **Legal Implications**

- 6.1 There are no financial implications for the council at this stage. Compensation is potentially payable only where sufficient evidence has been provided by an applicant to support an application to carry out works to a protected tree and where that application is refused.

7.0 **Human Rights Act Implications**

- 7.1 The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to enjoy his possessions, but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the tree) and subject to the conditions provided for by The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and by the general principles of international law.

8.0 **Alternative Options**

- 8.1 If the Provisional Tree Preservation Order (TPO/00203) is not confirmed then the tree is no longer afforded any protection.

9.0 **Conclusion**

- 9.1 Mature trees such as this Redwood play a key role in helping to tackle the climate emergency and create a greener district. They directly remove carbon dioxide from the atmosphere and convert this to stored carbon. Additionally, they are important for biodiversity both in their own right and as a habitat for other species. Therefore, if the

provisional TPO is confirmed, the protection of this tree will not only retain the contribution it makes to public amenity value but it will help contribute towards the Council's objective to reduce the effects of global warming and carbon emissions.

- 9.2 Should the TPO be confirmed, it does not mean that no future works to the tree can be undertaken, it purely means that any works would be the subject of a TPO application which the Local Planning Authority would need to consider and issue a decision on accordingly.

10.0 **Recommendation**

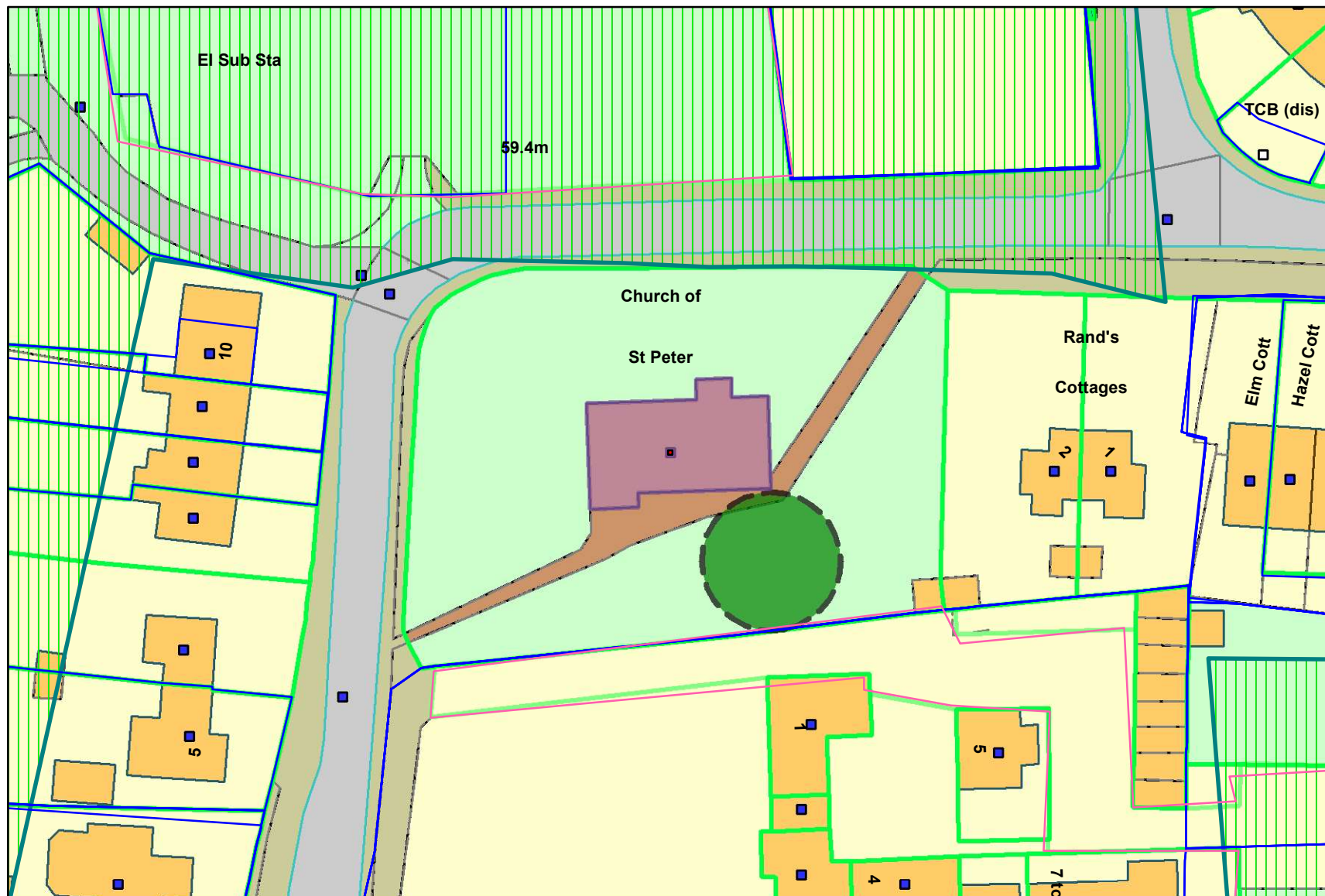
- 10.1 That the provisional Tree Preservation Order (TPO/00203) be **CONFIRMED**.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Application Validation Sheet

TPO/00203 (2022) Church of St Peter, Pirton Road, Holwell, Hitchin, Hertfordshire, SG5 3SR

-  Acolaid Land Parcel
Property.shp
-  Acolaid Address Point
ap.shp
-  Planning Application (1999)
Prapps99.shp
-  Area of Outstanding Natural Beauty
Pranob.shp
-  Listed Buildings
Prlistld.shp
-  Tree Preservation Order (Single)
ORACLE
-  Tree Preservation Order (Group)
ORACLE
-  Parish Boundary
Prparish.shp
-  Conservation Area
Prcaarea.shp
-  District Local Plan Boundary
Prdlp2.shp
-  Green Belt
Prgrnblt.shp
-  Health & Safety Consultation Zone
Prjnzzone.shp
-  Landscape Conservation
Prlandca.shp
-  Ward Boundary
Prwardcd.shp
-  Noise Nuisance Indicators
Prnnis.shp
-  Indicative Flood Plain
Prfipm.shp



Scale 1:625

Date: 24/11/2022

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