

Location:                   **Land North of Oakleigh Farm  
Codicote Road  
Welwyn  
Hertfordshire**

Applicant:                   **Mr Kevin McBride**

Proposal:                   **Erection of 7 x 4-bed detached dwellings with associated detached garages, parking and amenity areas following demolition of all existing buildings and structures. Change of use of eastern section of land to paddock and alterations to existing access road.**

Ref. No:                      20/00598/FP

Officer:                      **Andrew Hunter**

**Date of expiry of statutory period:**

16 June 2020

**Submitted Plan Nos.:**

2019-942-01E, 2019-942-02F, 2019-942-03F, 2019-942-04, 2019-942-05, 2019-942-06, 2019-942-07, 2019-942-08, A1\_500, B02913-SWH-ZZ-XX-DR-C-0500-P02, B02913-SWH-ZZ-XX-DR-C-0501-P01, B02913-SWH-ZZ-XX-DR-C-0502-P01, B02913-SWH-ZZ-XX-DR-C-0503-P01, B02913-SWH-ZZ-XX-DR-C-0510-P02, B02913-SWH-ZZ-XX-DR-C-0511-P03 1 OF 3, B02913-SWH-ZZ-XX-DR-C-0511-P03 2 OF 3, B02913-SWH-ZZ-XX-DR-C-0511-P03 3 OF 3.

**Extension of statutory period:**

23 August 2020

**Reason for referral to Committee:**

The application is to be determined by Planning Control Committee by reason of the development being residential development with a site area of 0.5 hectares or greater (the site area is 1.36ha), as set out in 8.4.5 (a) of the Council's 2019 Scheme of Delegation.

1.0    **Site History**

NHDC area

- 1.1    19/02753/FP - Erection of 7 x 4-bed detached dwellings with associated detached garages, parking and amenity areas following demolition of all existing buildings and structures. Change of use of eastern section of land to paddock and alterations to existing access road – Withdrawn 02/01/20.

- 1.2 19/00777/LDCE - Lawful Development Certificate (Existing Use): Unit 5 - General Industrial and Storage (Mixed B2 and B8 Use). Unit 6 - General Industrial (B2 Use). Unit 7c - General Industrial (B2 Use). Unit 7d - General Industrial and Storage (Mixed B2 and B8 Use). Unit 8 - Equestrian. Unit 9 - Equestrian. Unit 11 - Storage (B8 Use). Unit 12 - Storage of Plant and Equipment (B8) – Approved 01/07/19.

Welwyn Hatfield area

- 1.3 6/2020/0714/MAJ - Change of use of land from general industrial and storage (B2 and B8) to dwelling houses (C3) to facilitate erection of 7x dwellings following demolition of existing buildings – Refused 26/11/20 for the following reasons:
1. The proposed development constitutes inappropriate development in the Green Belt and causes harm to the openness of the Green Belt. In addition to the harm by reason of inappropriateness, other harm is identified in relation to one of the purposes of including land in the Green Belt and the impact on the character and appearance of the area. The harm by reason of inappropriateness, and the other harm identified, is not clearly outweighed by other material planning considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposal would therefore be contrary to policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policies SADM 1 and SADM 34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, the Supplementary Design Guidance 2005 and the National Planning Policy Framework 2019.
  2. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial contributions and retention of the paddock as open land by any method other than a legal agreement and the proposal is therefore contrary to Policies IM2 and H2 of the Welwyn Hatfield District Plan 2005, policies SADM 1 and SP 13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.
- 1.4 6/2019/0757/LAWE - Certificate of lawfulness for use of land and buildings for storage of plant and equipment – Refused 15/10/19 for:
1. The site may be considered as one site comprising a composite use and together with the introduction of new uses on the site within the last ten years, the use of the site as a whole may not be considered to have been on-going for the required ten year period of time for a certificate of lawfulness to be issued. Together with inconsistencies in the evidence, insufficient evidence has been provided to the Local Planning Authority to clearly demonstrate, on the balance of probabilities, that the site has been used for the purposes of the storage of plant and equipment for a period of at least 10 years. The use of the land and buildings for the purposes of storage of plant and equipment is therefore not lawful under Section 192 of the Town and Country Planning Act 1990.

## 2.0 **Policies**

### 2.1 **North Hertfordshire District Local Plan No.2 with Alterations**

Policy 2 – Green Belt  
Policy 3 – Settlements within the Green Belt  
Policy 5 – Excluded villages  
Policy 14 – Nature Conservation  
Policy 26 – Housing proposals  
Policy 36 – Employment Provision  
Policy 51 – Development effects and planning gain  
Policy 55 – Car Parking Standards  
Policy 57 – Residential Guidelines and Standards

### 2.2 **National Planning Policy Framework**

Chapter 2 – Achieving sustainable development  
Chapter 5 – Delivering a sufficient supply of homes  
Chapter 6 – Building a strong, competitive economy  
Chapter 9 – Promoting sustainable transport  
Chapter 11 – Making effective use of land  
Chapter 12 – Achieving well-designed places  
Chapter 13 – Protecting Green Belt land  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 – Conserving and enhancing the natural environment

### 2.3 **North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)**

SP1 – Sustainable development in North Hertfordshire  
SP2 – Settlement Hierarchy  
SP3 - Employment  
SP5 – Countryside and Green Belt  
SP6 – Sustainable transport  
SP7 – Infrastructure requirements and developer contributions  
SP8 - Housing  
SP9 – Design and sustainability  
SP11 – Natural resources and sustainability  
SP12 – Green infrastructure, biodiversity and landscape  
ETC2 – Employment development outside Employment Areas  
CGB4 – Existing rural buildings  
T1 – Assessment of transport matters  
T2 – Parking  
HS3 – Housing mix  
D1 – Sustainable Design  
D3 – Protecting Living Conditions  
D4 – Air quality  
NE1 - Landscape  
NE6 – Designated biodiversity and geological sites  
NE7 – Reducing flood risk  
NE8 – Sustainable drainage systems  
NE11 – Contaminated land

## 2.4 **Supplementary Planning Document**

Vehicle Parking at New Development SPD (2011)

## 3.0 **Representations**

### 3.1 **Site Notice:**

Start Date: 31/03/2020      Expiry Date: 23/04/2020

### 3.2 **Press Notice:**

Start Date: 02/04/2020      Expiry Date: 25/04/2020

### 3.3 **Neighbouring Properties:**

The following objections and comments were received from Nos. 103, 105 and 85 Codicote Road:

- This is a re-submission (if not an exact replica) of 19/02753/FP.
- Application 19/02753/FP received numerous comments, including objections.
- It would be reasonable to receive an explanation of what changes have been made.
- Pending further clarification I cannot remain neutral. Objections could be removed with further clarification.
- Potential overlooking from Plot 7.
- Wish to fully understand the risk of flooding into our garden as it is below the access road height.
- The new access needs to drain towards the footpath and be maintained regularly.
- Wish to understand the impacts on our drive from construction, and that we will have unrestricted access to it.
- Construction noise and dust is unwelcome. Would like restricted work hours.
- Lighting on the new access road would be a new light source and would be unwelcome.
- No consideration to existing users during construction.
- No detailed plans of mains sewerage and foul water drainage. Need to know to understand how this will affect the existing system.
- Sewage arrangements would appear to have no detrimental effect, but an increased risk of blockage could not be ruled out.
- Would welcome further details of power supply and broadband.

### 3.4 **Codicote Parish Council:**

Objection:

- Green Belt
- Narrow bends and tight access to site

### 3.5 **Statutory Consultees:**

Waste Officer – No objections.

Hertfordshire Ecology – No objections.

A simple, brief but suitable plan should be prepared showing the areas where new hedgerows will be established, their composition (which should comprise native species) and a management programme including, in broad terms, how often they would be trimmed and laid, ideally with some degree of rotation to encourage structural diversity. The management programme should draw on emerging biodiversity law to cover a period of up to 30 years.

This should be secured by a suitably worded condition and require the written agreement of the Council prior to the commencement of development but there would be no need to consult Herts Ecology again.

Environmental Protection Air Quality – No objections.

Hertfordshire County Council Growth and Infrastructure - Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit.

Hertfordshire County Council Growth and Infrastructure, Environment and Infrastructure - Based on the information to date for the development of 7 dwellings (Market: 7 x 4 bed) with a development area of 1.36 hectare we would seek financial contributions towards the following projects:

- Primary Education towards the expansion of Codicote Primary School by 1 form of entry from 1FE to 2FE (£26,047 - This contribution is based on Table 2 below index linked to PUBSEC 175)
- Secondary Education towards the expansion of Monks Walk Secondary School from 8 form of entry to 9 forms of entry (£30,961 - This contribution is based on Table 2 below index linked to PUBSEC 175)
- Library Service towards enhancement of Welwyn Library by improvements by installing a smaller enquiry desk to create additional capacity (£1,687 - This contribution is based on Table 2 below index linked to PUBSEC 175)
- Youth Service towards improving and extending the entrance area of the Welwyn Garden City Young People's Centre in order to increase access (£574 - This contribution is based on Table 2 below index linked to PUBSEC 175).

CPRE - This site lies in the Metropolitan Green Belt. The boundary between the two councils divides it, with approximately one third of the site in North Herts and two thirds in Welwyn Hatfield and the proposed development straddles that boundary. The layout of the development is such that the applications cannot be determined in isolation, but only by joint co-operation between the Councils. The documentation submitted to each Council is identical.

In preparation for submitting this application for residential development, the applicant sought certificates of lawful development for the existing mixed uses on the site. According to the Planning Statement, the two authorities took different views, with North Herts granting approval for those buildings within their jurisdiction and Welwyn Council taking the view that they considered the whole area one planning unit and refusing the application. Clearly this is not a situation which can be sustained and, until it is resolved, these applications cannot be determined.

The bulk of the Planning Statement is taken up with explanations of the various activities

undertaken in each of the buildings on the site. This clearly demonstrates that the site, in its totality, is one of mixed use. The determination of the planning unit in such a

situation is clear, first established in the case of *Burdle v. Secretary of State for the Environment*, namely that the planning unit “will comprise the entire unit of occupation even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another. This is well settled in the case of a composite use where the component activities fluctuate in their intensity from time to time but the different activities are not confined within separate and physically distinct areas of land.” Consequently, in our view, Welwyn Hatfield are correct in considering the whole area to be one planning unit.

Probably acting on the position taken by North Herts, the applicant appears to consider that the site is previously developed land, development is appropriate under para. 145(g) of the National Planning Policy Framework and so presents no planning case. In determining the planning balance, it will therefore be necessary for both Councils to agree the quantum of lawful uses on the whole site, and whether or not the proposed development represents a greater spatial and visual impact on the openness of the Green Belt.

Because the applicant has submitted applications to both authorities, what is essentially the same application will be considered against two different Local Plans and sets of policies. We urge the Councils to resolve the issue of lawful use of the current site and, to avoid unnecessary and wasteful duplication of resources, to agree with the applicant that one Local Planning Authority acts on behalf of both.

Landscape and Urban Design - 1. The site lies to the south of Codicote outside its settlement boundary and is covered by Green Belt designation. Most of the site lies within Welwyn Hatfield district with only the north-west corner of the site and access drive off Codicote Road within North Hertfordshire district. The site currently contains buildings and land for storage and lies to the rear of commercial buildings and residential properties along Codicote Road. The land rises away from Codicote Road and up from Oakleigh Farm.

2. The proposal is for seven detached properties, located in the northern part of the site accessed off Codicote Road via an existing track. As well as erecting the seven dwellings, improvements to the access road are proposed together with the creation of a paddock in the eastern part of the site.

3. I have several concerns with this proposal:

- i) The development would contribute to infilling between Welwyn and Codicote;
- ii) The layout, number and scale of dwellings creates a suburban residential scheme in a rural location;
- iii) Although the dwellings are 1.5 storeys, to reduce their overall height, they have large footprints;
- iv) The dwellings are some distance from Codicote Road so unlikely to promote sustainable forms of transport such as walking into Codicote or the use of buses;
- v) The location and layout of the development requires substantial amount of hard surfacing for road access;
- vi) All the properties have detached garages exacerbating the amount of development on the site and reducing the openness of the Green Belt;
- vii) Planting is proposed around the development to help screen it and should be the subject of a condition of any planning approval;
- viii) It is not clear where the proposed paddock will be accessed from.

Hertfordshire County Council archaeologist – No comment to make.

### Environmental Health – No objections

#### Noise:

I have reviewed the submitted “Noise Assessment, Oakleigh Farm...” Report reference RP01-19338, dated 30 August 2019 by Cass Allen Associates. Noise sources from the adjacent industrial estate included pneumatic tools and extract ventilation from the car workshops – Autoline and JE Drury. It is noted that Mechanical Ventilation with Heat Recovery is proposed for the development; the specification is detailed at section 3.18. The noise assessment determined that standard thermal double glazing will be satisfactory to achieve the design criteria internal noise levels (Table 3). The proposed site layout has buildings facing the industrial estate, creating a barrier such that the rear gardens are afforded protection from noise. Noise levels in external amenity areas – gardens – are acceptable. The Report is satisfactory and may be approved.

#### Demolition and construction phases:

Due to the potential for nuisance due to noise, dust etc. during these phases I have included informatives below.

Hertfordshire County Council highways – Does not wish to restrict the grant of permission subject to the following conditions.

Environmental Protection Contaminated Land - I have no objection to the development. However, I recommend that our standard condition re contamination be attached to any permission given.

### Lead Local Flood Authority – No objections.

The applicant had previously contacted us as part of our Surface Water Advisory Service, and a site meeting was carried out 06 November 2020. Following an assessment of the additional comments sent via email on 08 October 2020 and site visit on 06 November 2020, we are now in a position to remove our objection.

Crate soakaways have been proposed to each dwelling and have been sized accordingly to cater for all storm events up to and including the 100 year event +40% for climate change. The road is proposed to be constructed of permeable tarmac and driveways to be constructed on permeable block paving.

From a review of the Access Road Drainage Layout drawing, the applicant has presented two options for draining the access road: “Permeable Tarmac OR Impermeable asphalt draining to an adjacent trench filter drain”. Whilst we do not have any concerns regarding these options, this should be confirmed at detailed design stage.

Given the fact that the red line boundary only includes the access road at this point, it is acknowledged that there is little room to improve flood risk in this area. The applicant has stated how where overland surface water flow is indicated on the EA's flood map; the proposed access road levels are to be no higher than existing ground levels in order that flood flow routes are not affected.

## 4.0 **Planning Considerations**

### 4.1 **Site and Surroundings**

- 4.1.1 The site is occupied by a number of buildings in the north-west corner, which are in use as industrial and storage (Use Classes B2 and B8), and equestrian. A rectangular area in the north-east corner of the site is used as open air storage, parking and waste for building and construction. Other areas of the larger northern part of the site are used for parking, small-scale building materials and waste storage, and some small storage buildings such as shipping containers. The western third of the site is within NHDC land, with the other two-thirds within Welwyn Hatfield district.
- 4.1.2 The site is connected by an internal access road, which extends to the south and west to provide vehicular access to public highway Codicote Road. Ground levels are highest in the north-west corner, and fall to the east and south. The access drive adjacent to No. 85 Codicote Road is lower than that road, and also includes an area of hardstanding that can be used for passing or parking.
- 4.1.3 The boundary of the site with No. 85 is comprised of fences and vegetation varying in height from 1.8m to 0.5m, lowering to the east. The west boundaries of the site with adjoining properties on Codicote Road is comprised of 1.8m high fences, and hedges and trees varying in height from approx. 2m to 6m. Trees at least 5m high comprise the north boundary. The site boundaries to the east are more open low-rise fences.
- 4.1.4 The character of the locality is more rural, particularly around the northern part of the site, where adjoining land is agricultural. Oakleigh Farm owns this adjoining agricultural land, with the main farm house east of the site to the south. Equestrian land and a manege owned by Oakleigh Farm adjoin the south-east boundary. Adjoining the west boundary of the site are dwellings to the south, and a commercial/industrial estate to the north. The north-west boundary of the site comprises a belt of woodland with the large grounds of a dwelling beyond.
- 4.1.5 The site is within the Green Belt in the adopted Local Plan. In the emerging Local Plan the site is proposed to continue as Green Belt.

### 4.2 **Proposal**

- 4.2.1 Planning permission is sought for the demolition and removal of all buildings, structures and hard surfaces, and the erection of seven detached chalet-bungalow style dwellings. The dwellings would be sited in the north-west corner of the site. Each dwelling would have four bedrooms, pitched roofs, and dormer windows. Each dwelling would have its own detached single garage with pitched roofs. Two visitor parking spaces would be provided within the site.
- 4.2.2 Each dwelling would have parking provision on hardstanding within their own curtilages, which would be accessed by an internal road. The internal road would replace the existing access drive and would be of a similar siting. The new access road would be wider than the existing and would include a pedestrian footway on one side, which would continue to Codicote Road. The vehicular access onto Codicote Road would be widened in association with the works to the access road. The rectangular area in the north-east part of the site would be changed to a paddock, to be used in association with Oakleigh Farm.



### 4.3 Key Issues

- 4.3.1 The assessment of this application was made from the documents submitted with the application, photos of the site and surroundings taken by the applicant, information relating to the planning history of the site, and images from Google Maps and Street View (a site visit in person by the case officer was not permitted during the course of the application due to restrictions in movement during the Corona Virus crisis). The site was however visited during the assessment of withdrawn application 19/02753/FP (date of visit 05/12/19).
- 4.3.2 The key issues for consideration are as follows:
- The acceptability of the principle of the proposed works in this location.
  - The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
  - Whether the proposal would provide an acceptable standard of accommodation for future occupiers of the dwellings.
  - The impact that the proposed development would have on the living conditions of neighbouring properties.
  - The impact that the proposed development would have on car parking provision and the public highway in the area.
  - The quality of landscaping proposed and the impact the proposed development would have on trees.
  - The impact that the proposed development would have on ecology and protected species.
  - The impact of the proposal on drainage and flood risk.
  - The requirement for planning obligations.

#### Principle of Development:

- 4.3.3 The site is within the Green Belt in the adopted Local Plan and the emerging Local Plan, therefore for the purposes of assessing whether the proposed development is acceptable in principle, the application will be assessed against relevant Green Belt policies.
- 4.3.4 The site falls outside of the settlement boundary of Codicote in the adopted 1996 Local Plan, therefore Policy 2 of that Plan is the relevant Policy regarding whether the proposed development is appropriate. Policy 2 states:
- In the Green Belt, as shown on the Proposals Map, the Council will aim to keep the uses of land open in character. Except for proposals within settlements which accord with Policy 3, or in very special circumstances, planning permission will only be granted for new buildings, extensions, and changes of use of buildings and of land which are appropriate in the Green Belt, and which would not result in significant visual impact.*
- 4.3.5 Paragraph 2.12 of the supporting text for this Policy sets out what type of development would be appropriate. These are:

*Except within Green Belt settlements and in very special circumstances, the purposes listed are "that required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation, or other uses appropriate to a rural area; or the use for hospitals or similar institutional purposes of existing large residential buildings situated in extensive grounds, provided (a) the buildings are not suitable for continued residential use, and (b) the proposed use is not such as to lead to a demand for large*

*extensions or for additional buildings in the grounds." Therefore, Local Plan Policy 2 applies in addition to the Structure Plan Policy 1, and relates to other policies in this Plan, in particular for the re-use of rural buildings, and extensions and replacements to dwellings (Policies 25 and 30).*

- 4.3.6 The Local Plan and this Policy date from 1996 and are however relatively old. National policies on what type of development is acceptable in the Green Belt and not inappropriate are contained within paragraphs 145 and 146 of the NPPF. Paragraphs 145 and 146 state:

*145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- a) buildings for agriculture and forestry;*
- b) 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;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or*
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.**

*146. 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:*

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

- 4.3.7 The emerging Local Plan in Policy SP5 c. states that the Council will only permit development in the Green Belt where they would not result in inappropriate development, i.e. whether new development would be in accordance with the NPPF.

4.3.8 The proposed development would not fall within the categories of what is appropriate under Policy 2 of the adopted Local Plan. However, this Policy can be given only limited weight in respect of the categories of appropriate development specified due to the age of the Policy and its differences to the NPPF.

4.3.9 The NPPF is given significant weight, which sets out a number of categories of development that would not be inappropriate in Green Belts. The applicant has put forwards the argument that the proposed dwellings will not result in impacts on the Green Belt compared to the existing buildings. The proposal could potentially comply with paragraph 145 g) of the NPPF, which states:

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

4.3.10 The development does not include affordable housing provision, therefore the second point is not applicable. The first point is whether there would be a greater impact on the openness of the Green Belt than the existing development. The applicant has provided a comparison of existing and proposed footprints, floor spaces and volumes of the existing and proposed buildings (in m<sup>2</sup> and m<sup>3</sup>). These are below:

	<b>Existing</b>	<b>Proposed</b>	<b>% Change</b>
Footprint	1213.74	1190.45	-1.92
Floor space	1154.96	1408.86	+21.98
Volume	5226	5344.26	+2.26

4.3.11 The table above shows a slight reduction in footprint and a slight increase in volume. The increase in floor space is more significant as this includes floor space within the roof spaces of the dwellings. I consider the volume comparison a more accurate comparison between the existing and proposed buildings. The difference in volume is very small, and would not in my view result in the proposed buildings having a greater impact on openness of the Green Belt than the existing buildings.

4.3.12 The site also needs to constitute previously developed land (PDL). PDL is defined in the glossary of the NPPF as:

*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

- 4.3.13 The buildings to be removed are considered permanent, with the land around them considered to be their curtilages, and that of the site as a whole. PDL does not include land that is or was occupied by agricultural buildings. The present use of the buildings and land within the site are a mix of B2, B8 and equestrian, which does not fall within being agricultural.
- 4.3.14 The previous application 19/00777/LDCE sought to establish whether the buildings and land within NHDC land had been in their lawful uses for 10 years from the date of that application. On the Comparison Schedule References Key Plan, these buildings are numbers 3 to 10 inclusive. This also includes approximately half of land area B. All were assessed as being in lawful use as B2, B8 and equestrian for the 10 years from the date of that application. There were three exceptions – two units within building 8, and whole building 4, labelled as such on the Comparison Schedule References Key Plan.
- 4.3.15 The two units in building 8 were not considered lawful as their uses had switched between B2 and B8 in the preceding 10 years. The B2 and B8 uses are not however agricultural. Building 4 was not considered lawful as there was no evidence that it had been on the site for 4 years since its stated construction in 2015. Building 4 was stated as being used for vehicle storage – this is supported by photos from December 2019 and April 2020, notwithstanding that evidence wasn't sufficient to approve its lawfulness. Given the overall lawful use of the site in NHDC land has been assessed as being B2, B8 and equestrian, I consider it likely that building 4 is not in agricultural use.
- 4.3.16 Buildings within the application site but outside of NHDC land are 1, 2, 11, 12, 13 and A as annotated on the Comparison Schedule References Key Plan. The Certificate of Lawfulness (Existing) application submitted to Welwyn Hatfield Borough Council (WHBC) (reference 6/2019/0757/LAWE) assessed these parts of the site, and also the site as a whole as it was considered as one planning unit.
- 4.3.17 The application submitted to WHBC included the whole site within its identified area, including the parts of the site within NHDC. The grounds for the WHBC application were for *The uninterrupted use of the land and buildings for storage of plant and equipment in excess of 10 years*. It was on that basis that the application was assessed. As it was evident that other uses such as equestrian and B2 uses had been operating at the site, and that areas of land in use for storage had expanded and contracted, the application was refused as the whole site had not been in use for storage for the last 10 years and there was some uncertainty over the precise nature of some of the storage uses.
- 4.3.18 The decision made by WHBC does not therefore in my view mean that the site can be considered agricultural, as the storage use the application applied for did not reflect a greater number of uses at the site. The counterpart NHDC decision confirmed the lawfulness of B2, B8 and equestrian uses on most of the NHDC land, while the other uses not determined as being lawful are considered not to constitute agricultural uses. I therefore consider that the site west of the proposed paddock is PDL, and that this element of scheme is not inappropriate.
- 4.3.19 The proposed widening of the access drive is considered minor and not harmful to the openness of the Green Belt. The change of use of the north-east area of the site used for open-air storage to a paddock would comply with 146 e) of the NPPF, which 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:*

*e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).*

4.3.20 This element of the proposal would preserve the openness of the Green Belt as it would not include the erection of buildings, and would not be part of the residential development. The removal of the storage and its replacement with a grassed paddock would be considered beneficial to openness as this would return the land to a more natural state. This would also remove encroachment of development into the countryside, which is one of the five purposes of Green Belts as stated in paragraph 134 of the NPPF.

4.3.21 The WHBC officer report for their refused application 6/2020/0714/MAJ included the following paragraphs as their key grounds for refusing planning permission with respect to the Green Belt:

*It is not disputed that the proposed development would reduce the built footprint of development on the site (in accordance with calculations provided by the applicant by around 23 sqm or 1.92%). The proposed development would however result in a slight increase in the total volume of development on the site (by approximately 118m<sup>3</sup> or 2.3%) and an increase in floorspace (by approximately 398 sqm or 34.5%) although this is not surprising as first floor accommodation is proposed within the roofs of the dwellings and many of the existing buildings do not have first floor accommodation. The existing buildings on the site range in height from approximately 4.2 m high to 6.5 m (although only two of the existing buildings on the site exceed 6 m in height), and the proposed dwellings would have a maximum height of approximately 6.4m.*

*The existing buildings on the site are generally concentrated along or close to the western and part of the northern boundaries of the site, and a large barn is located close to the centre of the site. The proposed layout of the development would disperse development across the site, with some dwellings proposed to be sited on land where there is currently no built form.*

*Visually, the proposed dwellings would also be more substantial in their construction and appearance than the existing buildings, which are essentially rural in their nature and unobtrusive/not uncommon in the landscape. Despite the commercial use of some of the buildings, they are typical of the sorts of buildings that you would expect to find in this kind of rural context.*

*The effect on openness is not confined solely to permanent physical works. Cars parked within the site, illumination at night, play equipment and other domestic paraphernalia in the gardens and boundary treatments will also have some effect on the openness of the Green Belt. Overall, there would be an unacceptable suburbanisation of the site and a greater impact on openness both in spatial and visual terms, although it is acknowledged that from a visual perspective there are limited views of the site from public viewpoints.*

*The proposed development would therefore result in a greater impact on openness than the existing development and would be inappropriate development within the Green Belt. Para. 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt. For the reasons set out above, the proposed development would represent encroachment into the countryside and would therefore also conflict with one of the five purposes of including land in the Green Belt.*

- 4.3.22 In response to the above, the key points as to why NHDC planning officers considers the proposal acceptable in principle in the Green Belt are:
- The existing and proposed volumes are essentially the same.
  - The dwellings and their curtilages would be sited where the existing buildings and open storage areas are.
  - There would be improvements to openness from the conversion of the large commercial storage area on the eastern part of the site.
  - There would be additional benefits from the redevelopment and improvement of the appearance of the site, including large amounts of new planting.
- 4.3.23 In summary of this section, the proposed dwellings would have a comparable impact on the openness of the Green Belt to the existing buildings on the site. The proposed dwellings would be sited largely in the vicinity of the existing buildings and storage land, and overall would not be considered to encroach into the open countryside. There would be additional benefits in removing untidy/unsightly open-air storage and parking, and a large amount of new planting. I do not therefore consider the proposed development inappropriate in this Green Belt location, while there would in addition be some benefits to its openness. The proposal therefore complies with relevant Local Plan Policies and the NPPF.

Character and appearance, and sustainability:

- 4.3.24 The proposed dwellings would have four bedrooms each, however they would be of a relatively modest chalet bungalow design, each being approx. 6.4m in height. The first floor elements would appear relatively small, therefore I consider that the proposal would appear largely as a new development of bungalows.
- 4.3.25 This development would be of a different character to the existing site, which due to the presence of what are considered to be unsightly areas of open-air storage and parking of materials, plant and vehicles alongside relatively unattractive buildings in B2 and B8 use, is considered visually harmful to the character and appearance of the site and the locality.
- 4.3.26 The proposed development would appear somewhat separated from the main village of Codicote, however as Oakleigh Farm house is nearby to the south and other dwellings are to the west and south, I do not consider the development would appear out of place here. The development would appear low-rise and relatively spacious, which is considered an acceptable approach in this more rural location.
- 4.3.27 There would also be a number of visual and other benefits from the proposed development, primarily – the ceasing of industrial and storage activity; removal of associated buildings, hardstanding, vehicles, plant and materials; the creation of a new paddock; and the planting of new trees and hedges (providing visual and ecological benefits).

- 4.3.28 The dwellings would be on the higher part of the site. It is not clear how their ground levels would relate to the existing, therefore a condition would be imposed on any permission granted requiring such details prior to any development commencing. The dwellings would be of a more traditional design approach with walls of brick and render, and plain and profiled tiled roofs, which would be considered to provide an appearance of an acceptable quality. Details or samples of external materials would be required by condition if permission was to be granted. The detailing such as windows and dormers are considered acceptable.
- 4.3.29 The existing access driveway would be widened to accommodate the new residential traffic, however I do not consider that the impacts of this would be significantly greater and more harmful than the existing. New planting would further soften the wider access drive. The proposed paddock would be lawn/grass – as this would be a clear improvement to existing untidy appearance of this part of the site, there are no objections to this. Each dwelling would have its own bin storage, and refuse collection is considered satisfactory given that the Council's Waste Officer has not objected to the development. I consider that Class B permitted development rights for roof enlargements should be removed by planning condition due to the potential for such enlargements to cause harm to the character and appearance of the dwellings and the wider development and locality.
- 4.3.30 Potential occupants of the dwellings would be reliant on the use of private cars to access shops and services to some extent, however the village of Codicote and its shops and services is within walking distance along Codicote Road to the north (estimated 10 to 15 minute walking time), along a pavement opposite the site entrance to the centre of Codicote. The proposed widened internal access drive includes a pedestrian footway to Codicote Road that would encourage journeys by foot to and from the site. There are bus stops a short distance to the north and south of the site entrance, therefore the site is considered reasonably accessible to public transport to Codicote, Welwyn and Hitchin and their shops and services. The site is considered to be in a more sustainable location and acceptable in this respect.

Impacts on Neighbouring Properties:

- 4.3.31 The dwellings would be sited in the north-west part of the site, where their closest neighbours are an employment/industrial area to the west, and a belt of maturing woodland to the north. The closest dwellings outside of the site and Oakleigh Farm are on Codicote Road to the south-west – the rear elevations of these dwellings would be approx. 100m from the proposed dwellings and there would also be trees and vegetation remaining and planted on the site boundaries, therefore the proposed dwellings would not appear overbearing or result in overshadowing and loss of light to any of the Codicote Road dwellings.
- 4.3.32 Only the proposed dwelling on Plot 7 would be closest to the rear boundaries of some of the Codicote Road dwellings. This dwelling would however be a minimum of approx. 12.8m from the rear garden boundaries of the closest dwellings, relatively low-rise and would benefit from screening from trees and vegetation on the rear boundaries of opposite Codicote Road dwellings. Therefore I do not consider that this dwelling would appear harmfully overbearing or cause loss of light to the rear gardens of dwellings on Codicote Road.

- 4.3.33 The Plot 7 dwelling would include a dormer window and a rooflight at first floor level facing towards the site boundary with the Codicote Road dwellings. The rooflight would be small and relatively high on the roof slope and would also serve a bathroom, and would not be considered to result in loss of privacy. The dormer would also serve a bathroom and the plans show this window would be obscure glazed, therefore subject to this window being required to be obscure glazed by condition if permission was to be granted, this would not cause overlooking and loss of privacy.
- 4.3.34 No. 85 Codicote Road raised concerns over potential overlooking from the Plot 7 dwelling. This dwelling is sited such that views from its rear elevation openings and raised rear terrace would be predominantly towards Oakleigh Farmhouse and the site access drive. Potential views of No. 85 would be more oblique, relatively far (approx. at least 130m away) and obscured by trees and vegetation. Therefore I do not consider loss of privacy and amenity would be caused to that dwelling.
- 4.3.35 Oakleigh Farmhouse is the other dwelling closest to the proposed dwellings. The Plot 6 and 7 dwellings would be closest to the farmhouse, however at a distance of approx. 100m between them I do not consider that harm to the amenity of any occupants to this dwelling would occur.
- 4.3.36 The change of use of the storage area to a paddock would not affect residential amenity as no dwellings are close to this part of the site. The proposed wider internal access road would have similar impacts to the existing and would not affect residential amenity. Concerns have been raised regarding lighting of the access road. I anticipate some level of lighting would be provided, however this has not been shown on the submitted documents. Details of lighting can however be required by condition if permission was to be granted, and could then be assessed and controlled accordingly.
- 4.3.37 I do not anticipate harmful amounts of noise and disturbance from the proposed development, including from vehicular traffic, as a relatively small amount of dwellings are proposed. Such impacts may in any case be comparable or likely less than those from the existing use of the site. Regarding the objections and comments from neighbouring dwellings, most of these have been addressed elsewhere in this report. Hours of construction can be controlled by condition, which would in turn minimise noise and dust impacts. I do not anticipate adverse impacts on the driveway of No. 85 Codicote Road as there would be a separation between the proposed works and No. 85, or that access to No. 85 would be restricted. Impacts on sewerage capacity, and details of power supply and broadband are not material planning considerations. The differences between this application and withdrawn application 19/02753/FP are that the current application has included details of drainage. I do not therefore consider harm to residential amenity would be caused by the proposed development.

Amenity of Future Occupiers:

- 4.3.38 Paragraph 127 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity of future and existing users*”. Paragraph 127 (f) is largely reflected in Guideline 8 of Policy 57 in the Saved Local Plan and Policy SP9 of the Emerging Local Plan.
- 4.3.39 The main habitable rooms of the proposed dwellings are considered to be of an adequate size and would receive sufficient outlook and light. They would be sited and



space sufficiently far apart to avoid causing mutual overbearing impacts, loss of light and privacy to each other. The private rear gardens of the dwellings would be of a sufficient size and quality to provide acceptable amenity space for their potential occupants.

- 4.3.40 The proposed dwellings would be relatively close to an employment/industrial estate to the west, which is a potential source of noise and other forms of disturbance that could affect the living conditions of occupiers of the dwellings, notably from some car workshops. A Noise Assessment submitted with the application has specified double glazing for the dwellings, which the Council's Environmental Health Officer considers will provide acceptable internal noise levels. The built form of the dwellings would create a sufficient barrier from noise adversely affecting their rear gardens, therefore noise in external areas is considered acceptable. Living conditions of future occupiers are considered acceptable.

#### Parking and Highways:

- 4.3.41 Each dwelling would have at least three parking spaces – this is in excess of the Council's minimum parking standards of two spaces for a dwelling with two bedrooms or more, therefore parking provision would be acceptable. Each dwelling would include a garage that could accommodate two cycle parking spaces, therefore cycle parking provision is considered acceptable.
- 4.3.42 Two visitor parking spaces are proposed, which is a shortfall of 3.25 spaces based on the Council's parking standards in Appendix 4 of its 2016 Proposed Submissions emerging Local Plan (ELP). The November 2018 Main Modifications version of the ELP however requires 1.75 visitor parking spaces for the proposed development, therefore the amount of visitor parking proposed would not be a shortfall under the 2018 parking requirements. Visitor parking requirements may be subject to further changes during the completion of the examination of the ELP, however as each dwelling would have parking provision above the minimum requirements it is considered that sufficient capacity for visitor parking would be available within the site.
- 4.3.43 The proposal would widen the existing vehicular access in association with the widening of the internal access road. Given that the County Council highways officer has not objected to the wider access in relation to impacts on the public highway, I do not see any reasons to disagree. The highways officer has not raised concerns relating to turning space for manoeuvring of vehicles within the site, therefore this is considered acceptable. I therefore consider parking provision and impacts on the public highway acceptable.

#### Trees and Landscaping:

- 4.3.44 The site contains one 11m Leyland Cypress tree that would be removed. This tree is not subject to a TPO and is not considered of such visual or other significance that it should be retained. There are numerous trees and hedges on or close to the north and west boundaries of the site, which would require some minor cutting or would not be affected by the development. These impacts are minor, and would be substantially outweighed by proposed replacement tree planting.
- 4.3.45 The amount of hard landscaping would be small relative to the soft landscaping provided, which is considered would result in an acceptable quality and finish to the site in isolation and taking into account its rural countryside surroundings. The new

landscaping as part of the development would in any case result in a substantial visual improvement to the character and appearance of the site and locality. Sufficient details of soft landscaping and planting are considered to have been provided on drawing 'Landscape Mitigation Plan'. Further details of hard surfaces and boundaries for the dwellings are however required, which can be secured by an appropriate condition. Landscaping and impacts on trees are considered acceptable.

#### Ecology:

- 4.3.46 Hertfordshire Ecology provided comments on 30<sup>th</sup> March 2020 advising that the site and its surroundings do not hold records of ecological significance. Ecological surveys submitted with the application confirmed this. Mitigation measures are however required to compensate for some limited harms, being carrying out tree work outside of bird nesting season, and the planting of new hedgerows. Hertfordshire Ecology have advised that these can be achieved with an informative and a condition respectively. I do not disagree with Herts Ecology given their expertise in these matters, therefore I do not consider that the proposal would be harmful to ecology. There would in addition be general benefits from the large amount of new planting proposed.

#### Drainage and flood risk

- 4.3.47 The Lead Local Flood Authority have not objected to the proposed development on the grounds of drainage and flood risk. The access road would be of permeable tarmac or impermeable asphalt draining to an adjacent filter trench drain, with both options considered acceptable by the LLFA with further details to be required by condition. The levels of the access road would not be higher than the existing therefore flood flow routes would not be affected. Conditions are recommended by the LLFA requiring some further details of the drainage scheme proposed and the development to be completed in accordance with the drainage details provided, which are considered reasonable and appropriate. Given their expertise in these matters, which is given significant weight, I consider that the site would have appropriate drainage and that run-off and other water would not adversely affect neighbouring properties and the public highway. Drainage and flood risk mitigation are considered acceptable.

#### Planning obligations

- 4.3.48 No affordable housing or such contributions are required as the number of dwellings proposed is under 10. No other obligations are required by NHDC to mitigate the impacts of the proposed development.
- 4.3.49 Hertfordshire County Council Growth & Infrastructure have requested planning obligations for fire hydrants; and financial contributions towards education, libraries and youth facilities. The planning application is a minor application for 7 dwellings. NHDC has not sought to secure planning obligations requested by the County Council on other minor applications for residential development (the County Council also rarely requests such obligations). Furthermore the application is only major development by site area due to the inclusion of the change of use of part of the site to a paddock, which is not related to the residential element (removing the paddock site would reduce the site area to less than 1 hectare which would not be major development). I do not therefore consider it reasonable to seek financial contributions for the proposed development.

## Climate Change Mitigation:

4.3.50 The NPPF supports the transition to a low carbon future and the increased use of renewable energy sources. North Hertfordshire District Council has declared itself a Climate Emergency authority and its recently adopted Council Plan (2020 – 2025) seeks to achieve a Council target of net zero carbon emissions by 2030 and protect the natural and built environment through its planning policies. Emerging Local Plan Policy D1 seeks to reduce energy consumption and waste. To assist in achieving these aims, Electric Vehicle Charging points will be conditioned to be installed on each of the proposed new dwellings. The applicant has also submitted a Sustainability Statement demonstrating that the new dwellings in terms of carbon emissions generated would exceed the latest Building Regulations requirements, therefore further helping to minimise climate change.

## 4.4 **Conclusion**

4.4.1 The LPA is not able to demonstrate a five year housing land supply. The tilted balance set out in paragraph 11 of the NPPF is engaged as the proposal is not considered harmful to the Green Belt. There will be moderate benefits from the provision of seven additional dwellings, which is not considered harmful to the locality. There would be further benefits from the redevelopment of the site and associated visual improvements. It is not considered that there would be adverse impacts from the development, therefore it would not be considered to significantly and demonstrably outweigh the benefits as set out in paragraph 11 of the NPPF.

4.4.2 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

## 4.5 **Alternative Options**

4.5.1 None applicable

## 4.6 **Pre-Commencement Conditions**

4.6.1 Pre-commencement conditions as below are recommended, which have the agreement of the applicant.

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

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

4. Prior to commencement of the approved development, the following landscape details shall be submitted:
  - a) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed
  - b) details of any earthworks proposed

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

5. 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.

6. Prior to the commencement of the development, ground levels of the existing and proposed development shall be provided to the Local Planning Authority. The development shall be completed in accordance with these approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

7. Prior to occupation, each detached property 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.

8. 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).

9. The development hereby permitted shall not commence until the existing access from the Codicote Road has been re-constructed 5.50 metres wide with 6.0 metre radii kerbs as identified on drawing number B02913-SWH-ZZ-XX-DR-C-0510-P02, the footway leading from the development shall extend to each side of the reconfigured access for a minimum distance of 10 metres and shall include for pedestrian dropped kerbs and tactile paving and corresponding dropped kerbs and tactile paving opposite on the existing Codicote Road. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and shall be secured and undertaken as part of the s278 works.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

10. Prior to occupation of the development hereby permitted the existing access road from the Codicote Road shall be improved and re-constructed 5.50 metres wide as identified on drawing number 2019/942/02 revision E and the internal road layout shall be complete as identified on drawing number 2019/942/03 revision E to the Local Planning Authority's satisfaction.

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

11. Prior to commencement of each phase of the development, details of all materials to be used for hard surfaced areas within the site, including roads, drainage details, driveways and car parking areas shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that internal roads, drainage and parking areas are built to Highway Authority standards and requirements in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

12. CONSTRUCTION MANAGEMENT PLAN

No development shall commence until a Construction Management Plan has been

submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. 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).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class B 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.

14. Prior to the commencement of the development, details of external lighting for the access road shall be submitted to the Local Planning Authority for approval. Such details shall include siting and design of installations, method of illumination, light spillage, and hours of operation. Lighting shall be implemented 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, and the amenity of neighbouring dwellings.

15. Prior to the first occupation of the development, the Mechanical Ventilation with Heat Recovery system shall comply with the standard specified in "Noise Assessment, Oakleigh Farm..." Report reference RP01-19338, dated 30 August 2019 by Cass Allen Associates. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details and it shall be retained in accordance with those details thereafter.

Reason: To protect the residential amenity of future residents.

16. Land Contamination Condition

(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.

17. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment, reference B02913 Rev 02, dated August 2020 prepared by Scott White and Hookins and all supporting information and the following measures;

1. 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.

2. Undertaking appropriate drainage strategy based on infiltration and to include permeable paving and soakaways.

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 + 40% climate change event.

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

18. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted Flood Risk Assessment, reference B02913 Rev 02, dated August 2020 prepared by Scott White and Hookins, dated 18 September 2020. The scheme shall also include:
1. Detailed infiltration testing be carried out pre-commencement in accordance with BRE Digest 365 standards at the proposed locations and depths of all SuDS features.
  2. 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.
  3. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features.
  4. Provision of half drain down times within 24 hours
  5. Silt traps for protection of any residual tanked elements
  6. 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.
  7. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

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

19. Upon completion of the drainage works for the site in accordance with the timing / phasing, 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:
1. Provision of a complete set of as built drawings for site drainage.
  2. Maintenance and operational activities.
  3. 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.

20. The development shall be completed in accordance with the measures set out in the Sustainability Statement (dated December 2020).

Reason: To minimise carbon emissions in the interests of the environment and climate change.

**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.