

Location: **Land South of Heath Lane
Codicote
Hertfordshire
SG4 8YL**

Applicant: **Ashill Lane Ltd**

Proposal: **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.No: 18/02722/FP

Officer: **Tom Allington**

Date of expiry of statutory period: 11th January 2019

Extension of statutory period: 1st April 2021

Reason for Delay

Ongoing delays with the examination of the emerging 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.

Members need to be aware that should they be minded to approve the application, this would be a 'resolution to grant' subject to the need to refer the application to the Secretary of State, as the site is within the Green Belt. The Planning Practice guidance informs the following:

'The Town and Country Planning (Consultation) (England) Direction 2009 sets out the applicable criteria and arrangements that must be followed for consulting the Secretary of State once the local planning authority has resolved to grant planning permission for certain types of development that are set out in paragraphs 3-8 of the Direction. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. The use of the call-in power requires that the decision be taken by the Secretary of State rather than the local planning authority.'

Paragraph 3 of the 2009 Direction states the following:

*This Direction shall apply in relation to any application for planning permission which –
(a) is for Green Belt development, development outside town centres, World Heritage Site development, playing field development or flood risk area development; and
(b) is received by a planning authority on or after 20 April 2009.*

Paragraph 4 of the 2009 Direction states the following:

*For the purposes of this Direction, "Green Belt development" means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document and which consists of or includes-
(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.*

1.0 **Site History**

- 1.1 16/00040/PRE: Pre-application submission/ advice on 'Residential development of approximately 200 dwellings and potential school expansion'
- 1.2 17/01255/1PRE: Pre-application submission/ advice on 'Residential development of approximately 200 dwellings and potential school expansion'.
- 1.3 18/01722/SO: Screening Opinion: Residential development of up to 175 residential units dwellings together with associated parking provision, open green space provision, retention and enhancement of existing PROWs and provision of an area for the future use as replacement school playing fields to enable expansion of Codicote C of E Primary school. Decision: Environmental Impact Assessment not required.

2.0 **Policies**

- 2.1 **North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies)**
Policy 2: Green Belt

Policy 5: Excluded villages
Policy 14: Nature Conservation
Policy 16: Areas of archaeological significance and other archaeological areas
Policy 26: Housing proposals
Policy 29: Rural Housing needs
Policy 51: Development effects and planning gain
Policy 55: Car Parking Standards
Policy 57: Residential Guidelines and Standards

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 (Codicote Plateau Area 205)

2.2 National Planning Policy Framework (February 2019)

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 Emerging North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission

The Emerging Local Plan (ELP) was now been through the re-scheduled examination hearings in November and December 2020 and further additional hearings were held on 1st and 2nd February 2021. The Inspector has stated that the hearings are now closed and he does not intend to hold any further hearings. Whilst the schedule of further main modifications have not yet been published by the Inspector, at the time of writing this report, these are expected to be received before the Planning Control Committee on 18th March 2021 and the main modifications are due to be presented to the Council's Cabinet meeting on 16th March 2021 (seeking approval to proceed with the consultation on the modifications). Weight can be attributed to the emerging North Hertfordshire Local Plan 2011 - 2031 Proposed Submission (September 2016) Incorporating the Proposed Main Modifications November 2018 and the policies contained within it (see below). The weight which can be attributed to the ELP is discussed in greater detail later in this report.

Policy SP1: Sustainable Development in North Hertfordshire
 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 SP13: Historic Environment
 Policy T1: Assessment of transport matters
 Policy T2: Parking
 Policy HS1: Local Housing Allocations
 Policy HS2: Affordable Housing
 Policy HS3: Housing Mix
 Policy HS4: Supported, sheltered and older persons housing
 Policy HS5: Accessible and adaptable housing
 Policy D1: Sustainable design
 Policy D3: Protecting living conditions
 Policy D4: Air quality
 Policy HC1: Community facilities
 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 HE1: Designated heritage assets
 Policy HE4: Archaeology

The application site is identified in the NHDC Submission Local Plan 2011 – 2031 as an allocated housing site under Policy CD5 'Land South of Heath Lane'

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.

3.0 **Representations**

Statutory Consultees

3.1 **Codicote Parish Council – Objection:**

- Whilst the site is included in the Local Plan, it is still currently within the Green Belt and there are no exceptional circumstances.
- The Local Plan has not yet been adopted, the application should not be considered until the Inspector has held the additional new hearings he has proposed to open.
- The site is allocated for 130 houses, 167 represents a significant increase.
- Access on to the site is very restricted, and access on to the B656 extremely difficult – there is little scope for improvement.
- Concerns regarding construction traffic during an expected 2 year construction period – hours of operation, access to site, debris on surrounding roads, pollution.
- Most vehicular movements during and post construction will be southwards crossing both carriageways of the B656 adding to the existing problems of congestion
- Transport Assessment Addendum commissioned by Ashill is not representative of the true facts. Data only collected at two short periods in a day.
- The application should not be viewed in isolation – all 4 sites proposed in the Local Plan are inter-dependent as they hinge on the school expansion.
- Infrastructure issues must be addressed – the village already experiences huge problems with drainage/sewerage, traffic and parking problems, regular power cuts (see ‘Note’ under 3.20.3).
- There is a lack of facilities in Codicote - no doctor's surgery, dentist or library.
- Treatment of the Hertfordshire Way through the site needs to be more sympathetic. The ‘buffer’ planting needs to be wider than a metre, there is too much ‘permeability’ - it needs to be treated as a safe, green corridor.
- Overall the site does not integrate well with the existing built area

3.2 **NHDC Waste and Recycling** – No objection, subject to conditions requiring suitable waste storage and collection facilities.

3.3 **NHDC Environmental Health (Contaminated Land and Air Quality)** – No objection regarding contamination, subject to conditions requiring a further Phase II environmental risk assessment be carried out and assessed.

No objection regarding air quality matters, subject to conditions and informatives requiring Electric Vehicle charging points

3.4 **NHDC Environmental Health (Noise)** – No objection subject to conditions requiring some dwellings be constructed and completed in accordance with the submitted acoustic assessment, recommending acoustic ventilation for certain plots in close proximity to Heath Lane and the Primary School.

- 3.5 **NHDC Housing Development Officer** – No object, subject to the provision of 40% affordable housing (67 units), to comprise of 65% affordable rent (44 units) and 35% shared ownership units (23 units) (see table below at 4.3.169 for further details)
- 3.6 **NHDC Landscape and Urban Design Officer** – No objections – Cross section through Mimram Valley to consider the plateau edge and surrounding valley landscape? Landscape Masterplan to show details of planting, boundary treatment and hard-surfacing.
- 3.7 **HCC Highways** – No objection – subject to ten conditions and s106 obligations regarding the submission and monitoring of a travel Plan, contributions towards the improvement of local bus stops and contributions towards the expansion of the 315 bus service and the provision of x1 car club bay on site (see table below at 4.3.169 for further details).
- 3.8 **HCC Growth and Infrastructure** – No objection subject to the suitable transfer of land to allow for the expansion of Codicote C of E Primary School from 1 Form of Entry (FE) to 2FE and subject to financial contributions via a s106 legal agreement towards Primary education, Secondary education, Library Services and Youth Services (see table below at 4.3.169 for further details). An updated explanatory note has also been provided from HCC Growth and Infrastructure in relation to the current shortfall at Codicote C of E Primary School, which is attached to this report at Appendix A.
- 3.9 **HCC Lead Local Flood Authority (LLFA)** – No objection subject to conditions requiring the development be carried out in accordance with the submitted Flood Risk Assessment, that the final design of the drainage scheme be submitted and approved prior to commencement and that on completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted and approved.
- 3.10 **HCC Historic Environment (Archaeology)** – 19/11/2018 – No objections, subject to conditions requiring further trial trenching and likely open area excavation over the proposed development area, as the proposal is likely to have impacts on heritage assets of archaeological interest.
- 3.11 **HCC Minerals & Waste** – No objection, subject to a condition requiring the submission and agreement of a Site Waste Management Plan
- 3.12 **HCC Fire and Rescue Services** – No objection, subject to a s106 obligation for the provision of fire hydrants on site
- 3.13 **HCC Countryside and Rights of Way Officer** – No objection, subject to conditions regarding the width and maintenance of the footpaths. Concerns regarding footpaths 014 and 015 – it was agreed these be 2m wide with 1m unsurfaced either side – to keep planting back and not to obstruct the pathways. Vehicle cross-overs are undesirable but impact minimised and acceptable if raised traffic tables are used and pedestrian priority is provided for.

- 3.14 **Hertfordshire Ecology** – No objection, subject to suitable financial contributions towards off-site biodiversity improvements/ project, to secure overall biodiversity net gain (see table below at 4.3.169 for further details) and subject to conditions requiring a Landscape and Ecology Management Plan and an external lighting scheme.
- 3.15 **Herts and Middlesex Wildlife Trust** – Objection – lack of buffering to hedgerow habitats. In order to show measurable net gain, the biodiversity impact calculator must be resubmitted removing all hedges that do not have a protective buffer from the equation and compensating accordingly.
- 3.16 **NHS Clinical Commissioning Group** – No objection, subject to s106 obligations towards the expansion of Bridge Cottage GP Surgery in Welwyn (see table below at 4.3.169 for further details)
- 3.17 **Herts Constabulary (Crime Prevention Design Advisor)** – No objection, subject to an informative requiring that the developers seek ‘Secured by Design Accreditation.
- 3.18 **Thames Water** – No objection regarding waste water, surface water drainage or foul water sewerage network infrastructure capacity, subject to informatives.
- 3.19 **CPRE Hertfordshire (Campaign to Protect Rural England)** – Objection – contrary to Green Belt policies in the NPPF and Emerging Local Plan. There are no very special circumstances and although this site is allocated in the ELP, it is not yet adopted. In addition, 51% of the site is high quality agricultural land, which would be lost.
- 3.20 **Neighbour and Local Resident Representations**

The application has been advertised via neighbour notification letters, the display of site notices and a press notice. At the time finalising this report, a total of 283 comments have been received including 266 objections, 13 submissions in support and 3 neutral comments.

- 3.21 Of the objections, these include submissions by the ‘Save Rural Codicote’ group, including an objection letter from Hutchinsons Planning & Development Consultants and a report by Railton TPC Ltd entitled ‘*Objection on Transport Grounds on behalf of Save Rural Codicote (SRC)*’. An objection letter on behalf of Save Our Green Belt (SOGB) group has also been submitted by Mr Chris Watts of Maze Planning Ltd Planning Consultants.

Maze Planning have also provided further letters of objection on behalf of individual residents, one of which is also accompanied by a further ‘Highway Review’ by Cannon Consulting Engineers. These letters and reports, along with all representations made, are available to view in full on the Council’s website

The objections and the issues raised are summarised as follows:

3.22 Green Belt:

- The site remains Green Belt, this is inappropriate development and there is no 'exception case' for building on this land.
- Greenfield sites should be last not first resort for development.
- The Green belt is permanent and protects the rural nature of our village.
- Currently 40 houses already for sale in Codicote and ONS states 30% overstatement on housing need in Local Plan – this development is not therefore needed.
- The separation between Codicote and Codicote Bottom will be considerably reduced.
- The application is premature and must not be heard before the outcome of the Local Plan examination.

3.23 Infrastructure and services

- The development (along with others planned for Codicote) would put extra, unacceptable pressure on the school, which is already over capacity.
- The electricity supply is already inadequate and is prone to power cuts.
- Drainage infrastructure needs improving, including sewerage provision.
- There is no dental surgery or GP surgery in Codicote – the nearest is in Welwyn which is already full and oversubscribed.
- The application should not be assessed in isolation – the cumulative impacts of all four sites planned for Codicote need to be considered.
- There is no secondary school, with existing pupils having a long commute to school.
- Flooding already occurs on St Albans Road, which is downhill from the development.
- The land being offered to expand the school is insufficient and separated by a public footpath – there is a lack of information as to how access will be provided and how children will be safeguarded.
- The expansion by 1FE would be insufficient to accommodate all four sites proposed in Codicote, plus windfall sites and the existing shortfall.
- Internet/ broadband is already struggling in the village.
- There is a lack of employment in the village and so everyone will commute.

NOTE: Committee Members should be made aware that matters relating to utility supplies, such as water, electricity and broadband etc are not material planning considerations. It is for the statutory undertakers and statutory providers to ensure that the existing population and any future residents are provided with adequate services.

3.24 Highways, access and parking

- The levels of traffic as a result of the development, both during construction and after, would be far too excessive for the local highway network.
- Many roads around the site operate as single traffic lanes, due to the amount of on-street parking or are country lanes also making it difficult for pedestrians to navigate the High Street.

- Junction from St Albans Road onto the High Street is already dangerous and use of this would be increased.
- The B656 High Street through Codicote is used as an alternative to A1M during rush hour.
- Prospect of sites in Knebworth routing through Codicote, a concrete batching plant at Rush Green and the quarry reopening all bring more HGV traffic through the village
- Codicote is by far, the least sustainable location for new development and does not minimise the need to travel or maximise the use of sustainable transport modes - the proposed development at Codicote is not, therefore, compliant with paragraph 34 of the NPPF.
- Lack of parking - of the 456 proposed, 91 are garages – this equates to 2.1 spaces per house, including visitor spaces.
- Residents in Codicote must travel to surrounding urban areas to access almost all higher order facilities including work, higher education, bulk food and comparison shopping etc.
- Cycling does not offer a realistic mode to access surrounding urban areas.
- Bus services have reduced over the past year and are insufficient.
- Train stations are only realistically accessible by car and have a lack of parking.
- The Travel Plan suggests mode shift targets that are unachievable.
- Overall, the proposed development has very poor transport sustainability credentials and is not a suitable location for major residential development.
- The speed limit at the proposed access point is the national speed limit (60mph) and no change in the speed limit at this point is proposed.
- It has not been demonstrated that visibility to the west of the proposed Heath Lane access can be achieved either horizontally or vertically, given the steep hill to the west of the proposed site access.
- The existing bus stop provision proposed on Heath Lane is clearly unsafe and inappropriate to serve the proposed development. Vehicles approaching up the hill from the west will have very limited visibility of a bus stopped on the carriageway.

3.25 Impacts on amenity

- The development would result in noise, disturbance, odours and pollution to existing residents, both during and after construction.
- The development would overshadow many existing, neighbours' homes and gardens.
- Existing properties would be adversely affected by light pollution from the new development.
- The proposals would result in overlooking of properties in St Albans Road.
- The St Albans Road access will result in noise and vibration to nearby properties and light pollution from headlights.
- Noise from children's play areas.
- The proposed improvements and widening of Heath Lane will reduce vegetation and therefore privacy at Codicote House.

3.26 Design and impact on character and appearance of the area and surrounding landscape

- The development would detract from the charm of the village by reducing green space, which also provides space for residents for walking and enjoying local wildlife and beautiful scenery.
- The proposed dwellings are not designed specifically to reflect the local character of Codicote.
- This application alone would increase the population of the centre of the village by 30% and by 50% if other sites went ahead.
- The approaches to the village from the west would be scarred by a skyline of rooftops rather than existing natural scenery.
- Codicote would be changed from a rural village to a town.
- The proposal represents overdevelopment of the site.
- CD5 is an area offering a magnificent vista across the Mimram Valley towards Ayot St Lawrence which would be destroyed if CD5 were developed for housing.
- Lack of sustainable design features.
- The proposed housing will be visually intrusive both to long distance views and also within the village.
- The widening of Heath Lane and provision of footpaths will require clearing of existing hedges and trees, detrimentally altering the rural setting of this part of the village.

3.27 Impact on nature and wildlife

- The development would have an adverse impact on wildlife.
- The site is close to designated wildlife site and it could impact on wildlife corridors.
- The site borders the Mimram River, which would be at risk of pollution.
- Loss of valuable agricultural land.
- The whole of the existing embankment, hedgerow and trees along Heath Lane would be lost to facilitate the access and vision splays.
- The pumping station in the far north-west corner would also result in the loss of significant hedgerow.

3.28 Other

- Concerns that the affordable dwellings will not actually be affordable.
- The 1m buffer along the Hertfordshire Way is insufficient and it is too permeable – it needs to be treated as a safe green corridor.
- Housing need figures both nationally and locally are inflated and this housing is therefore not needed.
- The increase of housing and loss of green recreational space will increase crime in the village.
- Wrong housing mix. We need small properties not 4/5 bedroom houses.

- 3.29 This application was originally put on the agenda for the Planning Control Meeting on 19th November 2020, before it was removed from that agenda at the request of the applicant. Approximately 21 further objections were received from local residents at that time (which are included in the tally noted above), expressing concerns and objections that the application should not be heard before the ELP Examination Inspector had completed his assessment of the ELP. Further objections were expressed given the timing of that previous committee meeting, just before the re-scheduled November/ December ELP hearings. One representation was received in support, although they advised that they wished to remain anonymous.

Some have residents have raised neutral comments, summarised as follows:

3.30

- The housing must be affordable for local people.
- We want to welcome new people but the village must remain a community.

The comments received in support of the proposal are summarised as follows:

3.31

- New houses are needed, particularly for young people, although an increase of facilities are needed to facilitate them.
- Housing is needed for local people.
- This is the best option of the developments proposed for Codicote.
- Support for the expansion plans for the school, which is desperately needed.
- It is felt the development would not impact negatively on the village a great deal.
- We are in support but the roads need to be improved -perhaps a car park on the High Street would work.
- The school has a great reputation and accommodating for the expansion is more than most are offering.

3.32 **Stephen McPartland MP** – Objection, following the application initially being put on the agenda for the Planning Control Committee 19th November 2020. Objections are summarised as follows:

- We must follow through with our commitment to protect our local environment and encourage the longevity of our Green Belt.
- NHDC need to review whether it is absolutely necessary for the 167 dwellings to be approved to meet the five-year housing supply.
- Codicote does not have the relevant infrastructure to cope with the influx of people, cars or demand on services
- The provision of land for the school expansion is inadequate and would soon become oversubscribed
- There is insufficient mitigation of traffic congestion, particularly along the B656.
- I am concerned NHDC are undermining their own plan – this site has been identified as a plot of land to be released only if the Inspector considered exceptional circumstances exist. This is considered premature under the NPPF.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is located to the south-west of the village of Codicote. The site comprises a group of arable fields which are defined by various hedgerows, trees and vegetation and which total an area of 10.78 hectares. The site is situated between Heath Lane to the north and St Albans Road to the south. The site is bounded by existing residential properties on Heath Lane, Hill Road and Meadow Way to the north, as well as the existing Codicote C of E Primary School and properties on St Albans Road and Dark lane to the east and south. The west and south-west boundaries are defined by a scarp slope which drops down to the west to the River Mimram and the Mimram Valley. The site has a sloping gradient from the higher points at the northern/ central parts of the site sloping down towards the south-west part of the site and scarp slope beyond.
- 4.1.2 Several footpaths and rights of way run through the site, including Footpath 15, which makes up part of the wider Hertfordshire Way route and which runs east-west along the northern boundary of the site and through the middle of the western part of the site. Footpath 14 runs along the eastern boundary of the site and separates the application red edged site from the blue-edged land which is proposed to be transferred to Hertfordshire County Council to enable the expansion of Codicote Church of England Primary School ('the Primary School'), which is located adjacent to the north-east corner of the application site (only separated by the aforementioned Footway 14). Lastly, Footpath 16 runs along part of the western boundary of the site. The existing fields are accessed via gated access points on Heath Lane to the north of the site and a short track from St Albans Road to the south, which is also shared with Footpath 14.
- 4.1.3 The application site also includes No.66 St Albans Road, a recently extended and renovated one-and-half storey 5-6 bedroom detached dwelling, located on the northern side of the road and which is located immediately to the east of Footpath 14, where the footpath and access track meet St Albans Road.
- 4.1.4 Other than No.66 St Albans Road and the adjacent footpath (which make up the proposed southern access from St Albans Road), the majority of the site is located within the Green Belt and is outside of the village boundary of Codicote. The northern part of the site is approximately 50 metres from the Codicote Conservation area, at its nearest point on Heath Lane and the eastern part of the site is approximately 80m from the Conservation Area at its nearest point (where part of the existing school is within the Conservation Area boundary). The Conservation Area includes a number of Listed Buildings, primarily along the High Street and St Albans Road to the north-east of the application site and the Grade II Listed Codicote Lodge and its associated grounds approximately 90m to the north of the site. There are further listed buildings to the west of the application site, including Rose Cottage, Bentleys and Codicote Bottom Farm House and two associated Barns on Kimpton Road.

4.2 Proposal

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 and 17th and 18th December 2018).

- 4.2.1 The proposals (as amended) seeks full planning permission for the erection of 167 dwellings with associated vehicular access from both Heath Lane to the north of the site and St Albans Road to the south of the site, which would include the demolition of the existing dwelling at No.66 St Albans Road. The proposals also include associated works including formal open space, landscaping, tree planting, enhancements to the Hertfordshire Way (Footpath 15), a sustainable urban drainage system, including water retention basins and swales. The proposals include the laying out of an internal road network which would link the two access points, off-street and on-street parking, including the provision of one space for a Car Club scheme and the provision of a Local Area of Equipped Play (LEAP) and Local Area of Play (LAP) and a pumping station.
- 4.2.2 The development proposes the provision of 100 market homes comprising 2, 3, 4 & 5 bedroom houses and 67 affordable homes (of a mixture of shared ownership and affordable rented tenure) comprising 1 bed flats and 2, 3 & 4 bedroom houses. The affordable housing amounts to 40.12% of the total number of units proposed for the site.
- 4.2.3 The proposed development would largely consist of two storey dwellings, with a limited number of 2.5 storey dwellings (6no.) and 1no. single storey dwelling. A total of 456 parking spaces is proposed, including 362 allocated spaces (of which 97 are garages) and 94 visitor spaces.
- 4.2.4 The proposals outline four parcels of the site of differing densities, ranging from 34.5 dwellings per hectare (DPH) at the north-eastern corner of the site (closest to existing built development) to 18dph at the western part of the site (closest to the scarp slope and views to the south-west). The average net density across the site would be 25dph and the overall gross density would be 15.5dph, owing to the large areas of open space and additional green spaces (such as green corridors etc).
- 4.2.5 The application is supported by the following documents:
- Planning Statement (amended December 2018) and Design and Access statement
 - Schedule of accommodation
 - Transport Assessment (and Updated Addendum to consider cumulative impact of other sites in Codicote)
 - Travel Plan (amended December 2018)
 - Phase 1 Habitats Survey

- Biodiversity Impact Calculator (BIC) (Amended March 2019), BIC Note and BIC Plan
- Built Heritage Statement
- Archaeological Desk Based Assessment
- Written Scheme of Investigation for Phase 2 Archaeological Evaluation (Update January 2019)
- Arboricultural Impact Assessment & Method Statement
- Agricultural Land Assessment
- Air Quality Assessment
- Foul Drainage Utilities Statement
- Flood Risk Assessment & Surface Water Drainage Strategy
- Landscape and Visual Impact Assessment
- Noise Assessment
- Statement of Community Involvement
- Preliminary Risk Assessment and Geo-environmental Site Investigation
- Sustainability and Energy Statement

4.2.6 The application is not accompanied by an Environmental Statement. As noted at 1.3 of this report, above, a Screening Opinion was submitted to the Council under reference 18/01722/SO. Having considered the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, it was determined that the proposed development, of 'up to 175 dwellings' was not an EIA development under Schedule 2 or Schedule 3 of the EIA regulations and therefore it did not require an Environmental Statement. This decision was reached on the basis of the merits and impacts of this site.

4.2.7 Planning Practice Guidance (PPG) recognises that, in compiling information for a Screening Opinion, account must be taken of any relevant environmental assessments required under other European Union legislation. PPG further states that, in most cases, the environmental assessment that is most likely to be relevant is the strategic environmental assessment ('SA') undertaken during the preparation of the local plan for the area.

4.2.8 A total of four housing sites have been allocated under the Emerging Local Plan ('ELP' – sites CD1, CD2, CD3 and this site CD5), which would total 315 dwellings under the indicative figures allocated for each site in the ELP (although with a potential uplift the total could come closer to a total of 370 dwellings). The cumulative environmental impacts of all four sites have been considered as part of the formation and evidence base of the ELP, under the 'Draft Sustainability Appraisal of the Proposed Submission Local Plan (September 2016)' and the associated appendices (Examination Document LP4). The potential environmental impacts of each site have been individually assessed with recommended mitigation measures incorporated as necessary within the policies and detailed site criteria of the ELP. Section 7.2 of the SA also specifically considers localised cumulative effects where 'clusters' of development are proposed. Codicote is considered as one such cluster.

The cumulative impacts have been found to be reasonable/ acceptable, in so much as the four sites have all been retained for proposed allocation within the ELP with mitigation. The ELP was approved to be submitted for examination by Full Council in April 2017.

4.2.9 The SA is specifically considered by the ELP Inspector when examining the legal compliance of the Plan. To date, he has not raised any specific concerns over the SA insofar as it relates to either the individual or collective consideration of the four ELP sites in Codicote. In this context, the Council has determined this scheme would not amount to a need for further strategic EIA or Environmental Statement at application stage.

4.3 **Key Issues**

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

- Policy background and the principle of development in the Green Belt.
- Whether or not the development would be an inappropriate form of development in the Green Belt.
- The impact of the proposals on the openness of the Green Belt and on the purposes of including land within the Green Belt.
- Any other harm.
- Prematurity
- Impact of the development on the setting of the village of Codicote and heritage assets, including the Codicote Conservation Area and including an assessment of the proposed design, character and appearance.
- The impact of the development on the wider landscape setting.
- Impacts of the proposed development on the local highway network, access and parking matters.
- Environmental considerations.
- Whether the development would represent a sustainable form of development.
- Whether any harm by reason of inappropriateness, and any other harm would be clearly outweighed by other considerations and whether these would amount to the very special circumstances (including in this case but not exclusively, the provision of enlarged educational facilities and the provision of market and affordable housing).
- Planning Obligations.
- Planning balance and conclusion.

Policy background and the principle of development in the Green Belt

4.3.2 Other than the proposed access from St Albans Road (including No.66) the site lies outside of the village boundary and is located within the Green Belt and therefore Saved Policy 2 of the Saved District Plan applies, which states the following:

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

This policy is consistent with the approach to Green Belt development in National Policy contained in Section 13 of the NPPF. Paragraph 133 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*'.

- 4.3.3 The proposal for 167 dwellings and associated infrastructure does not fall within any of the exceptions of appropriate development as outlined and listed in paragraphs 145 and 146 of the NPPF. The proposals are therefore inappropriate development which by definition is harmful to the Green Belt, by virtue of paragraph 143 of the NPPF. Inappropriate development should only be approved if very special circumstances can be demonstrated. The advice in the NPPF and case law sets out a clear approach to the assessment of the proposal. First, the degree of harm to the Green Belt should be established. Following this, the other material considerations of the proposal should be discussed to outline whether or not the proposed development would result in any other harm. Then, it is necessary to consider any further matters and/ or public benefits which may support the proposals and whether they clearly outweigh the identified harm so as to amount to very special circumstances to justify a permission.
- 4.3.4 The application site has been identified in the NHDC Emerging Submission Local Plan 2011-2031 as a housing site (CD5 – Land South of Heath Lane). The CD5 allocation has a dwelling estimate of 140 homes. The significance and weight which can be attributed to this allocation, in consideration of the overall planning balance, is discussed later in this report (at paragraphs 4.3.131 to 4.3.137).

Harm by way of inappropriateness

- 4.3.5 As noted above, the proposals represent inappropriate development, which by definition is harmful to the Green Belt. Paragraph 144 of the NPPF advises that '*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt*'. Therefore as well as the inappropriate nature of the development, which is by definition harmful to the green belt and which attracts substantial weight, it is also necessary to consider the scale of any specific harm to the purposes and function of the Green Belt arising from the proposals.

Impact on the openness of the Green Belt and the five purposes of the Green Belt

- 4.3.6 As noted in paragraph 133 of the NPPF, the fundamental aim of the Green Belt and Green belt policy is openness and keeping the Green Belt permanently open. The existing site comprises a collection of arable fields which feature various hedgerows, trees and other vegetation. The land is almost entirely devoid of any form of built structure, other than some low level fencing along some of the footpaths and some entrance gates.
- 4.3.7 Whilst the proposals would include some large areas of open landscape, the proposed residential development of 167 dwellings would constitute a significant body of new development within the Green Belt. Therefore in a physical sense, the proposals would inevitably result in a very significant reduction in openness therefore conflicting with the primary expectations of paragraph 133 of the NPPF. This harm attracts substantial weight when considering whether there are very special circumstances to justify a permission.
- 4.3.8 Recent case law from the Supreme Court has clarified that assessment of visual openness is not required as a matter of law but may be considered appropriate as a matter of planning judgement. It is officers' view that different parts of the site contribute to the visual openness of the Green Belt to varying degrees. For example, the far eastern part of the site is partially surrounded by existing built form, with residential properties to the east and south on St Albans Road and properties to the north on Hill Road and Meadow Way. This part of the existing site has a visual character and appearance which is more semi-rural and edge-of village and is less open. Furthermore, the northern section of the site which sits immediately south of Heath Lane is also relatively well enclosed from the wider landscape and from wider views, due to significant woodland to the western boundary of this part of the site and due to the Hertfordshire Way running along the south of this part of the site and for these reasons this aspect of the site is less open. The development causes moderate harm to this part of the site.
- 4.3.9 However, the south-western and central section of the site is much more visually exposed as it lies at the edge of a scarp slope which forms the north-eastern side of the Mimram Valley which then slopes downwards, relatively steeply, to the River Mimram to the west/south west of the site. The Landscape and Visual Impact Assessment submitted with this application includes a number of photomontages of the site from three different locations within the valley to the west of the site. These show that initially at least, the development would be visually intrusive and quite a prominent feature in these views. However, as this section of the site is known to be sensitive with regard to wider views, the built form has been significantly set back from the western and south-western boundaries of the site, with large areas of open space and a significant amount of buffer/structural planting, including native trees, that helps to soften and assimilate the development into the wider landscape. The photomontages which show the view of the site at year 1 and at year 10, once the structural planting has grown and matured, show the site would be largely screened from the wider landscape and surrounding Green Belt, much like the western side of Codicote is now.

- 4.3.10 As mentioned above, the site also includes a number of public footpaths running alongside it and through it, including a section of the Hertfordshire Way. It is understood that these footpaths are well used and offer walks and views of the open countryside. The proposed development would significantly alter both the character of the landscape and the views afforded by these footpaths and would result in these sections of the paths becoming largely enclosed by built form and becoming part of a suburban built landscape, rather than an open rural landscape. This would further lead to a reduction of the site's visual openness, when considering the harm to the Green Belt.
- 4.3.11 In light of the above observations, the impact of the proposals on the visual openness of the green belt, across the site ranges between moderate -to- significant. This harm attracts substantial weight.
- 4.3.12 Paragraph 134 of the NPPF outlines the five purposes of the Green Belt as follows:
- 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.*
- 4.3.13 The site is proposed for allocation in the Council's emerging Local Plan which is currently at examination (see Other Considerations below). The evidence base for the Plan includes the Green Belt Review Update (GBRU) (ref ED161) which considers the prospective impact of the proposed allocations on the purposes and openness of the Green Belt. In the case of site allocation CD5, which is for the land at Heath Lane, the GBRU finds that overall the land makes a 'moderate' contribution to the Green Belt.
- 4.3.14 In this document, the site is assessed in two parts within the GBRU; the broadly square area lying between Heath Lane and Footpath Codicote 015 is assessed as Site 31 and the remaining land is assessed as site 313 (this land also includes the school land). In terms of site 31, the GBRU considers that the land only makes a limited contribution to Green Belt purposes (a) and (b), as the site does not adjoin a large built-up area and the land plays little or no role in the prevention of towns merging. Furthermore, it is found that the land only makes a limited contribution to purpose (d) as although the Codicote Conservation Area and Codicote Lodge are to the north -east of this land, there would be little or no impact on the setting of these heritage assets. The GBRU document finds that this parcel of land, which makes up the northern part of the application site makes a moderate contribution to purpose (c) of the Green Belt, in that the currently open land does prevent the outward spread of Codicote along Heath Lane, however the western boundary treatment (woodland) limits the relationship of this land with the wider/ surrounding countryside.

- 4.3.15 Site 313 as identified in the GBRU, which makes up the majority of the proposed site, is also found to only make 'limited' contribution to Green Belt purposes a), b) and d) – again a) as the site does not adjoin a large built-up area, b) the site does not play any role in preventing towns merging and d) although the Codicote Conservation Area and listed buildings are located to the east of the site, there is little or no impact on the setting of these heritage assets. Again, as with the smaller Site 31, site 313 is also found to make a 'moderate contribution to purpose c) 'to assist in the safeguarding the countryside from encroachment'. This finding is based on the relatively large size of the site in the context of Codicote and because *'the development of this site would result in the introduction of additional built form to the west of Codicote, some of which would be potentially visible in views across the Mimram Valley'*. However, parts of site equally contained between existing development along St Albans Road and Mill Road / Meadow Way.
- 4.3.16 With regard to the fifth purposes of the Green Belt, under e) *'to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'*, it is noted that there is little in the way of brownfield land in Codicote and in the district as a whole to be able to meet identified housing needs. As such, it is considered that this site and the proposal currently under consideration would only have limited/ no harm on this purpose of the Green Belt.
- 4.3.17 Overall, the application site is assessed as making a limited-to-moderate contribution to the five purposes of the Green Belt as outlined in paragraph 134 of the NPPF and, so by extension, the loss of the existing open land to built-development would result in limited-to-moderate harm to the five purposes of the Green Belt but this harm attracts substantial weight.

Any other harm

- 4.3.18 Paragraph 144 of the NPPF states that *'...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* (emphasis added in this instance). 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 as a result of the proposed development.

Prematurity

- 4.3.19 The allocation of this site in the ELP is discussed later in this report. With regard to the issue of 'prematurity', paragraph 49 of the NPPF states the following:

However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

4.3.20 It is your officers' view that recent information submitted to the examination into the ELP outlines an Objectively Assessed Need (OAN) of approximately 11,600 dwellings for North Hertfordshire (leaving aside any unmet need to be accommodated for Luton) which are to be delivered through the sites identified and allocated within the plan (Policy SP8: Housing). Whilst it is acknowledged that the current proposal would be considered large relative to the size of Codicote, in the context of the district as a whole and the overall housing requirement figure in the ELP, this is a relatively small proposal of 167 dwellings which if granted permission is not so substantial so as to undermine the ELP and the plan making process.

4.3.21 It is also worth drawing members attention to the Council's 'Housing Delivery Test Action Plan' which was agreed by Cabinet in June 2020. Paragraph 79 of the action plan states as follows:

79. As set out in the previous Action Plan, proposed housing sites currently within the Green Belt generally remain subject to the very special circumstances tests set out in National Policy and potential ministerial call-in. It may now be appropriate, subject to an open and balanced consideration of all relevant factors, to determine some planning applications on these sites in advance of the Plan examination being concluded. This position has been reached having regard to the various factors outlined in this Action Plan, the potential for early delivery of key infrastructure and the acute shortfall of housing provision against Government measures.

In bringing this application before committee at this stage, prior to the adoption of the ELP, this is in accordance with the agreed action plan.

4.3.22 In light of the above considerations, it is officers' view that it would not be reasonable to refuse this application on prematurity grounds, as a refusal could not be sustained nor be substantiated should it need to be defended at appeal. There is no further harm as a result of prematurity as the tests under paragraph 49 of the NPPF are not satisfied. In addition, as outlined later in this report, one of the key public benefits of the proposal would be to enable the expansion of Codicote C of E Primary School from a one form of entry school to a 2FE. If this current application were to wait until adoption of the ELP, then the expansion of the school (which already has planning permission via a decision on of HCC Development Control Committee on 24th September) would be delayed by at least a further year.

Impact of the development on the setting of the village of Codicote, heritage assets, including the Codicote Conservation Area, taking account of the proposed design, character and appearance of the proposals.

- 4.3.23 Saved Policy 57('Residential guidelines and standards') states under 'Site and Surroundings' that *'Each housing site is unique. Thus, the layout, design and so character of each new development must relate to that site's physical shape and existing features, and the character of the surroundings, whether urban or rural'*. 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'*.
- 4.3.24 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 described above, the application site is located at the south-west edge of the village, partially set between existing linear residential development along St Albans Road and existing development on Hill Road and Meadow Way. The existing site comprises 4 arable fields which contribute to the rural setting of this part of the village and form part of an urban-to-rural transition between Codicote and the Mimram Valley further to the west and south-west of the village. The site is located at the edge of a plateau, with the south-west edge of the site starting to slope down into the valley. the impacts of the proposed development on the wider, surrounding landscape are considered in the next section of this report.
- 4.3.25 The application is accompanied by a detailed Design and Access Statement (DAS) which sets out an assessment of the character of the existing village, in terms of its existing character areas, densities, forms, layouts and materials. Through lengthy pre-application discussions officers have sought improvements to the proposed development to an extent that it is considered that the current proposal's design is of a high quality.
- 4.3.26 The site would be well laid out with a number of traditional perimeter blocks set out around a hierarchy of roads, with the primary roads leading from the two access points at the north (Heath Lane access) and the south (St Albans Road access point) of the site, and smaller secondary and tertiary roads leading from these. Generally, the proposed housing would be set away from the boundaries of the site with landscaping and planting together with access roads and footpaths providing separation.
- 4.3.27 Policy CD5 requires *'Sensitive incorporation of existing rights of way, including footpaths Codicote 014, 015 & 016 as green corridors through the site connecting the existing village to the wider countryside;'* The proposed housing would be set away from the Hertfordshire Way, providing a new, wide landscaped corridor along the line of the public footpath through the site. This would be just one of a number of green corridors through and around the site with the existing hedgerows, which currently delineate and separate the existing fields, being retained and enhanced and which informs the overall layout for the site and the setting of perimeter blocks of housing.

- 4.3.28 A large area of green open space is proposed to the central-south-western part of the site which would include a play park (LEAP) and which would be connected to the Hertfordshire Way, to another smaller 'central green' and to a large landscape buffer to the south, forming a proposed network of green corridors. It is considered that the network of green spaces and corridors would help to soften, screen and to assimilate the development into its rural setting and help the development relate to the village of Codicote.
- 4.3.29 As mentioned, the existing site includes a number of public rights of way (PROW), which would be retained and enhanced as part of the proposals. These, together with the proposed access points from Heath Land and St Albans Road, mean that the site would be well connected to the existing village, with a number of options provided to both walk or cycle to the village centre. The site would also be within good, accessible walking distance of the main access to the primary school. Highway engineering is more informal with shared surfaces and permeable block paving.
- 4.3.30 The submitted DAS provides a density appraisal, providing the densities across the existing village. The areas nearest to the site have relatively low densities, with the linear development along St Albans Road being just 13 dwellings per hectare (DPH) and the housing at Hill Road and Meadow Way, immediately to the north of the site, being 21dph. However, there is a range of densities across Codicote, with densities as high as 40-41dph in the centre of the village and on the eastern edge of the village (at The Close). Generally, densities are lower as the village has expanded away from the centre with 'intermediate areas' generally 20-30dph and 'edge of village' 10-20dph (other than the exception at The Close).
- 4.3.31 It is considered that the proposals are in keeping with the overall densities of the village. The overall net density is approximately 25dph and the gross density (taking into account the entire site including areas of open green space etc) is 15.5pdh. The area of highest density is at the north-eastern corner of the site, at an average of 34.5pdh, where it would be closest to the village centre and existing built development. The most sensitive part of the site, at the western side and south of the Hertfordshire Way, would provide the new edge of the village with the rural landscape beyond to the west and south west, would have a much lower density, with an average of 18dph.
- 4.3.32 Taking account of the proposed landscaping and greenspaces running throughout the site, together with the layout and detailed design of the proposals, it is considered that the proposed development would achieve a sense of place and character, in keeping with Codicote, through the proposed mix of housing types and styles and the use of a range of materials. Reflecting the character of the existing village, much of the proposals would be of red brick with clay tile roofs but would be broken-up with properties also using timber cladding and some properties with a render finish, which would provide greater variety. Various property types would also include features such as bay windows and chimney stacks, in order to provide further visual interest.

The DAS provides a number of street-scene images and illustrations and the application includes a significant number of cross-section drawings to show how the street-scenes and public spaces would likely appear.

Impact on heritage assets

- 4.3.33 Policy SP13: Historic Environment of the ELP states that *'The Council will balance the need for growth with the proper protection and enhancement of the historic environment'*. Under Policy CD5 of the ELP, which is the site designation policy, a requirement states that *Sensitive design, particularly at north east of site, to prevent adverse impact upon setting of Listed Buildings on High Street.* 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 189 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'*. This is supported by Paragraph 190 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)'*.
- 4.3.34 This application is accompanied by a Built Heritage Statement (by CgMs Heritage, dated September 2018) which outlines that the site itself does not include any designated heritage assets, however there are a number of assets within a 1km study radius of the site, including a number of listed buildings, the Codicote Conservation Area and a registered park and garden. Accordingly, the proposed development would not have any direct impact on the significance of any designated heritage assets. However, it may have an impact on the setting of designated heritage assets, which in turn may impact on the significance of the designated heritage asset, depending on the contribution the setting makes to the significance of that asset.
- 4.3.35 Codicote Lodge is located to the north of the application site, on the northern side of Heath Lane. It is noted that that there is no inter-visibility between the site and this listed building, as it is set within its own extensive grounds and there are no visual or historic associations between the two. As such, the proposed development would not impact on the setting of this heritage asset.

Likewise, it is considered that the site does not contribute to the setting of the listed buildings at Rose Cottage and the Bentley, which are located to the west of the site further along Heath Lane where it becomes 'Heath Hill'. These properties are at the bottom of the Mimram Valley and are separated and screened from the site by a substantial amount of trees and woodland. Furthermore, it is noted that there would appear to be no evidence that there is any historical association between the site and these listed buildings. As such, again, the proposal would not have any impact on the setting of these heritage assets.

4.3.36 Codicote Bottom Farm includes three listings (comprising four buildings), including the Farmhouse, a Barn and Shed 20m to the north of the farmhouse and a further barn 50m north-west of the farmhouse. All four buildings are Grade II listed and are set to the west of the application site, at the bottom of the Mimram valley. Whilst there is very limited inter-visibility between these listed buildings and the site, part of the setting of this collection of heritage assets is that they can be appreciated from longer distance views to the west, with the western part of the application site set within the 'back-drop' of these views and to that extent the site, as it comprises a small part of the setting of these buildings and is rural in nature, makes a small contribution to the rural nature of these buildings which is part of their significance. At least in the short to medium term, the proposed development would introduce modern built development into this wider rural setting. This would also be true of views from the Registered Park and Gardens at Ayot House (RPAG), which is located further still to the west, on the opposite side of the Mimram Valley but which benefits from views eastwards towards the site. Both an agricultural farm and a rural park/ gardens, owing to their nature, are considered to benefit from a wider, longer reaching setting, as they are both associated with the rural landscape surrounding them and in both instances this setting contributes to the significance of these heritage assets. Again, the proposals would introduce urban built form into the existing rural landscape and would cause a small level of harm to the setting of the RPAG and to the collection of Listed buildings at Codicote Bottom Farm.

4.3.37 Owing to the distance of the site from these heritage assets, it is considered that this would fall within the 'less than substantial' definition of harm under the NPPF, very much at the lower end of that spectrum. In addition, it is noted that the proposed development would be set well back from the western and south-western boundaries of the site, with large amounts of structural planting proposed which, as demonstrated via the submitted photomontages, would provide significant screening in the medium-to-longer term, resulting in a reduction to the small level of harm to the setting of these heritage assets.

4.3.38 With regard to the impact on the setting of the Codicote Conservation Area (CA), it is noted that the site is largely separated from the CA by more modern residential development (late twentieth century) and there is little in the way of inter-visibility between the two. Due to the amount of modern development surrounding the CA, including along Heath Lane, the relationship between the CA and the wider rural landscape is largely lost. As such, in its current form the site makes a very limited contribution to the rural setting of the CA. The 'Codicote Conservation Area Character Statement' does not make reference to any parts of the application site in terms of identifying important characteristics of the CA. The character statement does identify a 'Key View' out of the CA, looking west along Heath Lane. The proposals would replace the current gate with new planting and the northern hedge boundary would be replaced and reinforced, following necessary highways works. The proposed development would also be set back from this boundary from Heath Lane and although there may be some limited views of the new access point, it is considered that the verdant character of the northern site boundary and the contribution that it makes to the setting and significance of the conservation area would be preserved. As such, there would not be any harm to the CA or its setting.

4.3.39 As outlined above, a small level of harm has been identified to the significance of heritage assets, namely the collection of Listed Buildings at Codicote Bottom Farm and to the Ayot House RPAG, by-way of harm to the setting of these heritage assets. This harm is considered to be 'less than substantial' and at the lower end of that spectrum. However the NPPF requires that great weight is given to this harm. Paragraph 196 of the NPPF states *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*. It is the officers' view that this proposed development would result in very substantial public benefits, which are explored and outlined in greater detail later in this report. In summary, these include educational benefits in providing land for the expansion of Codicote C of E primary school to address an existing and future shortfall of places for children already living in the village. In addition, the proposed development would provide much needed housing, with the provision of 167 homes, 67 of which would be affordable units, in the context of the Council's significant shortfall and historic undersupply of housing. The development of this site would also include further public benefits in the provision of large areas of open space for recreation and improvements and enhancements to the existing PROW.

Economic benefits would also result, both during the construction of the site in terms of employment and also longer term benefits in providing a greater 'customer base' for the local shops and services in Codicote. The development, through the associated s106 legal agreement would also include substantial contributions towards new and improved community facilities, such as a new scout hut, a refurbished sports pavilion and the expansion and improvement of bus services through the village (see table below at 4.3.160 for full details). Whilst mitigating the impact of the proposed development, these projects and contributions would also be to the wider public benefit of the existing community. The harm as identified to heritage assets is considered to be at the lower end of the scale of 'less than substantial harm' and whilst this harm attracts great weight, it is considered that this harm is clearly outweighed by the substantial public benefits of this proposal.

- 4.3.40 Notwithstanding the above, in the wider planning balance the harm identified to heritage assets which attracts great weight, is considered in the context of whether very special circumstances exist to justify a permission later in this report.

Summary on design and impact on Codicote and other heritage assets

- 4.3.41 This section of the report has assessed the design merits of the proposals and the impact of the proposed development on the setting of the village of Codicote and on designated heritage assets, including the conservation area, listed buildings and a Registered Park and Garden. In summary, it is considered that the proposal is of a high quality of design, with a good layout which responds to its location and setting, with suitable densities, suitable use of materials and with a significant amount of green space, including large open areas, green corridors and tree lined roads, which all help to soften and assimilate the development into its surroundings, helps the proposal to relate to the village of Codicote and provide its own sense of character. Having said this, whilst the development is well designed and laid out, it would inevitably result in the loss of some of the rural setting of the existing village, through the loss of the existing open fields. As such, to some extent there would be a small adverse impact to the character and setting of the existing village.
- 4.3.42 Limited harm has been identified to the setting and through that the significance of a collection of listed buildings at Codicote Bottom Farm and also to the setting and through that the significance of the Ayot House RPAG, both of which are heritage assets located to the west of the application site. However, the limited harm is 'less than substantial' at the lower end of the spectrum and whilst great weight attaches to that harm, this harm would be clearly outweighed by the substantial public benefits of the proposed development, which are discussed in greater detail later in this report. However, as harm has been identified, this should be attributed significant weight in the overall planning balance in considering whether very special circumstances exist to justify a release of land from the green belt and this is addressed later in this report.

Proposed modification to the ELP – Masterplanning requirements

- 4.3.43 In advance of the February 2021 hearings, the Council proposed significant changes to Policy SP9: Design and Sustainability that, if included in the Plan, would require that significant development be masterplanned and that that it go through a masterplanning process in order to (amongst other things) secure design quality (Examination Document ED216). Supporting paragraph 4.xxx under SP9 of the Council's proposed modification states the following:

Other significant development requiring a masterplan will be determined according to its scale, complexity, sensitivity and impact on the surrounding environment and community as well as the nature and extent of spatial and design detail being submitted in any relevant planning application. In some circumstances a masterplan may need to consider the cumulative impact and co-ordinated planning and place-making of more than one site to achieve positive planning outcomes. Generally, a threshold of 100 dwellings will apply.

- 4.3.44 At the time of writing this report, this modification has only been suggested by the Council and has not yet formally been put forward by the ELP Inspector as a potential modification and so strictly speaking, it does not presently exist as a 'relevant policy in an emerging plan' under NPPF paragraph 48 and so carries little weight.
- 4.3.45 Whilst this site has not been through a formal masterplanning exercise as set out under the Council's proposed changes to Policy SP9, the layout and design of the proposals have been through extensive negotiations and improvements with Council officers and as outlined in the sections of this report above, it is officers view that the proposals represent a high standard of design, in keeping with its context and which would include high quality green infrastructure and multi-functional opens spaces. As a full (rather than outline) application, the full extent of the details of this design, layout, on-site green infrastructure etc. are available to the decision-maker now and would be secured through any grant of permission. As such, it is considered that effective masterplan has been secured which would comply with Policy SP9.

Impact on the wider landscape setting

- 4.3.46 With regard to landscape and wider visual impacts of the development, whilst it is noted that the site is bounded on two sides by existing residential development, with Hill Road and Meadow Way (and the existing school) to the north of the site and St Albans Road to the south/ east of the site, the south-west boundary of the site is defined by a scarp slope which drops down to the west/ south-west to the River Mimram. The site is therefore situated on a plateau with views out across the Mimram and corresponding views into the site from higher ground to the south and west. In recognising the potential sensitivities of the site, from a wider landscape perspective, the policy allocating this site for residential development in the ELP, Policy CD5, requires that '*Proposals to be informed by a site-specific landscape assessment, particularly ensuring development at the south-west of the site does not encroach beyond acceptable limits into longer views across the Mimram Valley;*'.

- 4.3.47 As well as wider views, a number of public footpaths run through the site and so it is also subject to public views from these footpaths, which need to be taken into account when considering the impact of the proposed development.
- 4.3.48 The application site is located in the south-western portion of the Codicote Plateau Landscape Character Area, under the North Herts Landscape Study (Area 20). The key characteristics of the Codicote Plateau LCA are listed as:
- Gently rolling upland plateau landscape
 - Large arable parcels with grazing land adjacent to Codicote
 - Varying sized blocks of woodland
- 4.3.49 The application is accompanied by a 'Landscape and Visual Impact Assessment' (LVIA), as required by Policy CD5 and which includes a number of photomontages showing how the proposed development would appear from three viewpoints to the south, south-west and west of the site, in the Mimram Valley. These show the development as built, after year 1 and after year 10, to show the impact of proposed landscaping and planting over the short and longer term. The LVIA has been an ongoing and iterative process through designing the current proposals and informing the layout and landscaping of the site to seek to address and minimise the overall landscape impacts. For example, the two pre-application submissions in 2016 and 2017 sought up to 200 dwellings and this included development up the south-west boundary of the site. When the Screening Opinion was given in 2018 it had reduced to 175 dwellings and this application is now for 167 dwellings. In addition, proposed development is now set well back from the south-west boundary, with a large area now proposed for native woodland planting to provide a large landscape buffer. The LVIA is also accompanied by a wide cross-section plan, showing the relationship of the site with the Mimram Valley.
- 4.3.50 The 'overall conclusion' within the submitted LVIA finds that *'No significant adverse landscape or visual effects would arise as a result of the Proposal. The proposal would be beneficial in the long-term for local landscape character'*. The landscape of the site and the surrounding area is not of any statutory designation and the site has urban-fringe influences. The undulating topography of the Mimram valley sides is a strength of the landscape, however aspects such as the prominence of Codicote quarry detract from the landscape value. In general, the landscape value is considered 'medium'.
- 4.3.51 The photomontages accompanying the LVIA demonstrate that for the most part, the village of Codicote is not visible when viewed from the Mimram Valley, other than some properties on St Albans Road/ Dark Lane. However, the proposed development would be relatively prominent from all three of the viewpoints, introducing built form into this part of the landscape. Negative impacts on the landscape include the loss of existing pasture land, the removal of 40m of vegetation along Heath Lane to make way for the access and vision splays (and a further length of 15m to make way for the proposed pumping station), the removal of 5 small trees (category C) and the removal of 31m of central hedgerow.

- 4.3.52 The proposals include a significant number of benefits and mitigating factors to balance these negative impacts, to reduce and minimise landscape and visual impacts. Hedgerow and trees would be replanted along Heath Lane, for example, approximately 180m of hedgerow would be replanted and reinforced within the site, approximately 0.6 ha of woodland would be planted along the south-west and southern boundaries of the site and in the region of 500 additional trees would be planted throughout the proposed housing and road layout.
- 4.3.53 Consideration has been given to using a range of densities across the site, creating a softer development edge along the western boundary using open space and buffer planting and allowing green space to filter into the development through a series of linked open spaces and avenues. The lower densities at the south-western aspect of the site, allow for greater spacing between properties, allowing for greater visual permeability and reducing the perception of built mass. As mentioned, built form will be set well back from the south-west boundary of the site, with the nearest properties approximately 90m back from the boundary with significant tree planting in between. The layout shows a hierarchy of linked open spaces across the site that respond to the landform and the existing vegetation to create a series of landscaped features such as street tree planting to create avenues and mask views of the houses; green footpath corridors, formal and informal green spaces, and play spaces.
- 4.3.54 Whilst the 'built form' images in the photomontages show the development to be prominent within the landscape, owing to the significant set-back and large areas of open space and structural buffer planting, it is considered that the proposed development would be partially screened and softened by year one. By year ten, when the large areas of tree planting and landscaping along the southern and western boundaries would have matured, the photomontages suggest that the development would be well screened, with only the roof-tops of some houses visible from view-points along the Mimram Valley. In light of these considerations, the proposals would accord with the requirement of Policy CD5 that any development should not encroach beyond acceptable limits into longer views across the Mimram Valley.
- 4.3.55 The site is subject to two public rights of way passing through it, including the Hertfordshire Way. Although the location of these can be described as urban-fringe, as existing residential development is prominent when using these footpaths (and the Hertfordshire Way runs directly along the rear of a row of properties), these footpaths do allow for interspersed views of the open countryside to the south-west and over the River Mimram. The proposed development would clearly introduce a significant amount of built form around these footpaths and would interrupt much of the existing views, for users of these footpaths.

However, this would be partially mitigated as the Hertfordshire Way in particular would be enhanced, in that it would form a wide landscape corridor through the site, with proposed properties set back either side of it by 12-15m (so the corridor would be 24-30m wide). The footpath would be reinforced with additional hedge and tree planting and of particular note, the proposals would feature two further landscape corridors leading south/south-west from the footpath, leading to the large open green space and park at the central/south-western part of the site (one corridor measuring approximately 20m wide and the other approximately 30m wide). These corridors would allow for and retain some of the views from the Hertfordshire Way out towards the Mimram Valley to the south-west.

Summary of impact on wider landscape and visual setting

- 4.3.56 The LVIA submitted in support of the application concludes that *'No significant adverse landscape or visual effects would arise as a result of the Proposal'*. It is the officers' view that the provision of 167 dwellings on currently open land would, inevitably, result in a significant change in the character of the site, impacting on the wider landscape. However, as discussed above, the proposals include significant mitigation measures to seek to minimise any harm to the local landscape and visual harm, large areas of open space; a significant amount of tree planting and the proposals have been sensitively designed and laid-out to take account of the site's location within the wider landscape.
- 4.3.57 The application site is closely associated with Codicote and much of the site would be set against the back-drop of the existing village, particularly those aspects towards the central and eastern part of the site. It is only the lower density aspects of the site to the western and southern parts of the site which would be visible from the surrounding landscape.
- 4.3.58 The officers' view is that there would be at least moderate harm in the short term, during construction phases and during the first few years following completion, while there would be a lack of screening and landscaping. However once the structural planting and landscaping has matured, the development would be largely screened from the wider landscape, from longer views and it would fit comfortably within its setting. Over time, any harm would be reduced to limited. In the overall planning balance, it is considered that the harm identified in this instance can be described as limited-to-moderate and that this should attract moderate weight.

Impact on the local highway network, access and parking

Impact on local highway network

- 4.3.59 The issue of highway capacity is of great concern to Codicote Parish Council and 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 and its junctions with both Heath Lane and St Albans Road.

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 chose to divert off of the motorway and use the B656 as an alternative.

- 4.3.60 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.'* The NPPF also sets a high bar in terms of grounds to refuse an application on highway matters – paragraph 109 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.'*
- 4.3.61 Policy T1: Assessment of Transport matters of the ELP 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'*. During the course of this application, noting that it was originally submitted to the Council in October 2018, various modifications have been put forward as part of the Emerging Local Plan. One such modification falls under the policy which allocates this site for housing (Policy CD5). A requirement of Policy CD5, which is under consideration by the ELP examination inspector, states 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'*.
- 4.3.62 This planning application has been submitted with a Transport Assessment which was later amended/ updated to also include an assessment of the cumulative impact of this site (CD5) and the other three sites which are also allocated for housing in Codicote under the ELP. The other three sites include;
- CD1: Land South of Cowards Lane for 73 homes (subject of outline application reference 17/01464/1 for up to 83 dwellings);
 - CD2: Former Codicote garden Centre, High Street for 54 homes (currently subject of application reference 19/01448/FP for 73 dwellings)
 - CD3: Land north of The Close for 48 dwellings (no applications received as yet)
- 4.3.63 The proposed site would feature two vehicular access points, with a new access/ egress onto Heath Lane at the north of the site and a new access/ egress at the south of the site onto St Albans Road, which would require the demolition of No.66.

4.3.64 In terms of impact on highway capacity, the vehicular trip rates were sourced from the industry standard TRICS database. The associated peak hour trip rates are indicated in Table 5.1 of the Transport Assessment (TA). This anticipates that the site would generate a total number of trips in the AM peak travelling period (07:15 – 08:15) to be 92 and would generate approximately 99 trips during the PM peak travelling period (17:15 – 18:15). This equates to approximately 1 additional vehicle movement on St Albans Road every 51 seconds and 1 additional vehicle movement on Heath Lane every 2 minutes (during the peak hours). The HCC Highway officers conclude on highway capacity, that 'The impact from the development has been considered not to constitute a 'severe' impact on the network'. In addition, the Highway Officer has stated that 'The Transport Assessment Addendum sets out the cumulative traffic flows from the local development sites of CD1, CD2, CD3 and CD5, combined with the forecast baseline traffic flows on the local highway network for the 2023 assessment year. The results of these assessments show that the cumulative impact of these sites will not cause key local junctions to exceed their operational capacity'. The residual cumulative impact is also acceptable and not severe.

Access

4.3.65 As noted above, this proposal for 167 dwellings would feature two access points; one onto Heath Lane to the north and another at St Albans Road to the south of the site. These would both be priority 'T-junctions' and both access points have been designed in conjunction with HCC Highway and would be subject of Section 278 agreement/ works requiring independent Road Safety Audits. The Transport Assessment submitted with this application includes a number of detailed plans showing the specification for the two access points and these demonstrate that both would be suitable in terms of highway safety as each access point would benefit from sufficient vision splays.

4.3.66 It is acknowledged that concerns have been raised by objectors as to the safety of the proposed access onto Heath Lane, as this part of the road is subject to National Speed limits (up to a maximum of 60mph) and the road slopes downwards to the west of the access point. The data within the TA outlines that the recorded Design Speeds along this section of Heath Lane are 36.2mph eastbound and 36.4mph westbound. The TA and the associated plans demonstrate that the Heath Lane access point would benefit from the required 57m vision splays in both directions (to the east and west of the access point) when set back 2.7m in from the junction, in both the horizontal and the vertical planes (in light of the downward slope of Heath Lane to the west of the access point). As such, it is considered that the proposed access point would not result in any highway safety issues and no objections are raised by the HCC Highway Officer. Likewise, the St Albans Road access point, which would join the road where the speed limit is 30mh, would also benefit from suitable/ sufficient vision splays and so would be acceptable in this regard.

- 4.3.67 With regard to pedestrian and cycle access, the site would be well served by the existing footpaths 15 and 14, both of which would be enhanced and widened as part of the proposals and which would provide access to the local shops and services on the High Street. The site would also be within very close proximity to the primary school, with direct pedestrian/ cycle access possible to the school entrance gates via the Hertfordshire Way (footpath 15) and a short link path through to Meadow Way. The proposals also include for improved pedestrian access onto Heath Lane, with an extended footpath on the south side of the road to link the proposed access point to the existing footpath(s) network. Furthermore, the footpath on Heath Lane would also be extended to the west, with a new crossing point to the north side of the road where an additional short section of footpath would be provided to access a new/ proposed eastbound bus stop. The site would also be within walking distance of a number of existing bus stops, as well as the new proposed bus stop on Heath Lane which would allow for sustainable modes of transport beyond Codicote, to wider range of services at nearby towns.
- 4.3.68 The vehicular access points from Heath Lane and St Albans Road would be linked, forming a spine road through the site and so would therefore cross footpath 15. However, proposed plans show that the road would be narrowed at the footpath crossing, with pedestrian priority, so as to retain the footpath and protect users. A condition is to be included with any grant of permission requiring that details of the crossing point be submitted to and approved by the Council, prior to the commencement of the development. In order to achieve 'pedestrian priority' at this point, it is expected that details would include a 'raised table', for example. On this basis, the HCC Public Rights of Way officers have not raised any objections.
- 4.3.69 It is acknowledged that a number of concerns have been raised with regard to the suitability of the 'school land' and the safeguarding of pupils, as the land is separated from the existing school by Footpath 15. Whilst this is not strictly not a matter or consideration under this application (this would have been for the application for the school expansion, approved by HCC Planning Committee on 24th September), it is understood that HCC Children's Services, as the Local Education Authority is satisfied with this arrangement and pupils will be escorted straight across the footpath (via opposite gates on either sides) by teachers and assistants (it is also understood that this is not a unique arrangement, as several schools across the County already have public footpaths running through them and this is managed appropriately).
- 4.3.70 Codicote is considered a sustainable location for additional housing, as outlined under 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

- 4.3.71 The NHDC Vehicle Parking at New Developments Supplementary Planning Document ('Parking SPD') sets out the minimum parking requirements for this proposal. This outlines that x1 space is required per 1 bedroom dwelling and that x2 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'*.
- 4.3.72 On the basis of the proposed housing mix, the proposal would require a minimum of 319 private spaces for dwellings (15no. 1 bedroom flats and 152no. 2+ bedroom properties proposed) and between 42 and 125 visitors spaces. This results in a total of between 361 and 444 spaces required.
- 4.3.73 The proposal includes a total of 456 spaces, including 362 allocated/ private spaces and 94 visitor spaces. Of the 362 allocated spaces, 97 of these would be within garages, all of which are to be sized to meet the NHDC internal space requirement of 7m in length by 3m in width, so as to be of a sufficient size to park a modern day car and to also still provide storage space. Not all properties would include garages and so it would not be reasonable to apply the higher standard of visitors parking (0.75 spaces per dwelling) but at the same time, as 97 garages are proposed, visitors spaces also need to exceed the lower standard (0.25 spaces per dwelling). The proposal would include 94 visitors spaces around the development. This would represent approximately 0.55 spaces per dwelling, which is considered sufficient and reasonable in this instance.
- 4.3.74 In terms of cycle parking/ storage, the Parking SPD requires *'1 secure covered space per dwelling. None if garage or secure area provided within curtilage of dwelling'*. As 97 garages are to be provided on site, this results in a requirement for 70 additional cycle parking spaces. Although details of cycle storage are not provided as part of the proposed plans, the planning statement accompanying the application states that *'Cycle parking will also be provided on site in accordance with the requirements of the SPD. This will be provided either in the form of private sheds or cycle stores or within communal circulation areas'*. To ensure this is complied with and sufficient provision is provided on site, it is reasonable that a condition be imposed on any grant of planning permission which requires a schedule/ details of cycle parking/ storage across the site.
- 4.3.75 In light of the above observations, it is considered that the proposal would include sufficient parking provision, which is in accordance with and exceeds the requirements of the Parking SPD.

Mitigation measures

4.3.76 Paragraph 108 of the NPPF states that -

108. 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; and*
- 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.*

Policy T1 of the ELP 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: i. the proposed scheme would be served by public transport;*

4.3.77 As noted above, it is acknowledged that the existing bus services through Codicote are quite poor and are infrequent. These are summarised as follows:

- Service 44/45 - Stevenage-Luton, Mon-Sat 2-3 hourly, none Sun
- Service 314/315 Hitchin/Kimpton – Welwyn Garden City, Mon-Sat 2-3 hourly, none Sun

4.3.78 The nearest train stations for commuters are in Knebworth, some 3.2 miles from the site and Welwyn North, which is 3.6 mile away. 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 as mentioned, 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.

4.3.79 Through discussions with the HCC Highway Officer, HCC Passenger Transport Unit and the bus service provider, 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.

- 4.3.80 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 (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 £225,700 is sought from this application.
- 4.3.81 In order to further improve accessibility to the local bus service, a further £56,000 is to be secured via s106 legal agreement in order to upgrade existing bus stops along the High Street. This is to provide easy-access kerbs, benches and shelters at the Peace Memorial, The Bell Inn and the Hill Road bus stops.
- 4.3.82 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.
- 4.3.83 A Travel Plan has also been submitted with the application which includes a number of short, medium and long-term actions to increase the use by residents of sustainable modes of travel and to reduce the use of the private car. This is to be included via a s106 requirement and is to be monitored by HCC highways, through a further s106 financial contribution of £6,000. The primary target is to reduce the number of single occupancy vehicles by 10% below 2011 Census Journey to Work Data for the area
- 4.3.84 A further aspect of the proposals and included within the Travel Plan is the provision of an on-site Car Club Scheme. Discussions have been held with Enterprise with respect to providing an Enterprise car club vehicle on the site. One of the visitor parking bays on site would be converted to a car club bay by way of appropriate markings and signage. It is widely accepted that the provision of a car club vehicle can reduce the level of car ownership of a site and can reduce overall car usage, whilst still providing a vehicle for occasions when such use is necessary. The details of this, such as the location of the bay and the type of vehicle to be secured through the Travel Plan and s106 agreement. It is anticipated that an electric vehicle would be provided and the bay would be equipped with a suitable charging station. Initially this would be just one vehicle, although this could be expanded through written agreement with the Council (clause to be included within the s106). In addition, each dwelling with on-curtilage parking or a garage will be provided with electric vehicle (EV) recharging points and 10% of communal parking spaces will also be provide with EV recharging infrastructure. This would accommodate and encourage the use and ownership of more sustainable electric vehicles.
- 4.3.85 Some objections have stated that it is not possible to deliver the new proposed bus stop on Heath Lane as this would encroach onto private land (at Codicote Lodge) and in addition, that the bus stop would be in a dangerous location, with buses stopped in the road at the stop of a hill, where road users travelling east towards the bus stop would be unsighted.

However, the applicants have clarified that the proposed plans show that the bus stop can be accommodated on highway land, without encroachment onto private land. In addition, plans show that vehicles approaching the bus stop from the east would have sufficient visibility of the bus stop, any parked buses and pedestrians to be able to stop in plenty of time. Furthermore, the Highway Officer has not raised any objections in this regard.

Summary on highways, access and parking

- 4.3.86 Many of the objections received from local residents refer to the impacts this proposal would have on matters of highway capacity and access (two objections include their own reports by Highway consultant). It is acknowledged that there are issues of congestion in Codicote, particularly along the B656 High Street. This is particularly the case during peak rush-hours. However, the Hertfordshire County Council Highway Officer has not objected to these proposals, subject to conditions and subject to a package of mitigation measures to be secured via a s106 legal agreement, as outlined above. Furthermore, the cumulative impact of this site together with the other three allocated sites in Codicote has been taken into consideration. It is found by the HCC Highway officer that although there would be some increase in traffic arising from the proposed development, this would not have an unacceptable impact on highway safety or result in a residual cumulative impact that would be severe so as to warrant an objection or reason for refusal.
- 4.3.87 The submitted Transport Assessment includes a commitment to a residential Travel Plan and monitoring costs. The Highway Authority have advised that Data analysis within the TA together with traffic impact assessments demonstrates that the development proposals will not result in a severe impact on the local highway network, subject to the agreed mitigation works. As such, the highway authority do not raise any objections to the proposed development on highway safety grounds.
- 4.3.88 It is also acknowledged that a number of representations have been received raising concerns over pedestrian and highway safety. The submitted TA and the response from the Highway Authority reveal no evidence that this would be the case.
- 4.3.89 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 some of the residents of the new development would need to travel by car, adding to the existing congestion. Whilst this additional traffic is not considered to create a residual cumulative impact on the road network that is severe so as to justify a reason for refusal of planning permission, it would lead to some additional traffic which would create some minor harm, to which I attached limited weight.

Environmental considerations

Drainage and Flooding

- 4.3.90 Under Policy CD5 of the ELP, it is required that the following be provided: *'Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery'*. 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'*. The application is accompanied by a Flood Risk Assessment (FRA) & Surface Water Drainage Strategy (by consultants 'RSK') together with associated plans and a Foul Drainage & Utilities Statement (also by RSK consultants).
- 4.3.91 It is acknowledged that a number of objections and concerns have been raised by local residents with regard to existing surface water flooding on St Albans Road, which is downhill of the site. However, having assessed the submitted reports and information, the Lead Local Flood Authority (LLFA) have stated that they have 'no objection in principle on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and will mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy'. As such, there is no objection from the LLFA, subject to conditions requiring that the drainage strategy be carried out in full and that a management/ maintenance plan be provided. Furthermore, Thames Water have also confirmed that they do not raise any objections with regard to waste water, surface water drainage and foul water sewerage infrastructure capacity.
- 4.3.92 The drainage strategy would employ a combination of shallow infiltration and deep soakaways, both of which have been tested on site and have been found to be suitable and acceptable. The drainage strategy has been designed to accommodate surface water flows for up to a 1 in 100 year event, plus 40% (to take account of climate change). The proposals also includes SUDs features, such as deep bore soakaways, permeable paving, detention basins, filter drains and geo-cellular storage.

Ecology

- 4.3.93 The biodiversity impacts arising from the development of the site will also need to be considered. The associated features of the land, such as hedgerows are likely to contain at least some features of biodiversity interest and value. A Phase 1 Habitats Survey and a Biodiversity Impact Calculator (BIC) (and BIC Note and BIC Plan) have been submitted with this application which demonstrates that the site would result in a small/ marginal net gain in biodiversity, compared to the current situation.

- 4.3.94 Whilst the proposals would result in the loss of these arable fields, these score relatively low, in terms of biodiversity and habitats. The proposals would also result in the loss of existing hedgerows, most notably along the south side of Heath Lane (to make way for the new access and required vision splays etc). However, as noted previously in this report, the proposed development would also include significant biodiversity gains, such as the replanting of a significant amount of hedgerow and the planting of hundreds of native trees, along roads and as part of the large areas of landscaping and screen planting along the southern and western boundaries of the site. The proposed site would also include areas of wildflower meadows.
- 4.3.95 Herts Ecology advise that the Biodiversity Calculator does demonstrate a net gain, however this is only marginal and is below the 10% gain as required under DEFRA guidance. As such a contribution has been agreed via the s106 legal agreement to ensure off-site mitigation. As such, given that there would not be a loss in terms of biodiversity on site (and indeed a gain off-site), I consider that there would not be any harm to biodiversity and ecology. In addition, in order to seek to ensure the delivery and longer term viability of the on-site mitigation (landscaping, wildflower meadows etc), a suitable planning condition would also require the management and maintenance of these features.
- 4.3.96 It is acknowledged that Herts and Middlesex Wildlife Trust (HMWT) have objected to the proposals, largely on the basis that 12m buffers are not maintained/ proposed for all hedges and habitats. It is considered that on the whole, taking into consideration the marginal net gain across the proposal (and the additional net gains off-site), that the overall impact of this proposal in the long term is a small net benefit to ecology.

Archaeology

- 4.3.97 The application site is not located within an Area of Archaeological Significance (AAS), although it is located approximately 200m to the south-west of an AAS which covers the central part of Codicote. Policy HE4 'Archaeology' of the ELP states that Permission for development proposals affecting heritage assets with archaeological interest will be granted provided that: a. developers submit an appropriate desk-based assessment and, where justified, an archaeological field evaluation. Policy HE4 as modified also states that '*Areas of as yet, unknown archaeology may be identified during research, or through the planning or plan making process. These sites or areas should be treated in the same way as archaeology areas and areas of archaeological significance*'.
- 4.3.98 The site has been subject of a desk-based assessment, a geo-physical survey and some trial trenching investigations. During trial trenching numerous historic pits and ditches were found in the north-western part of the site, containing Middle Bronze Age and/ or Late Iron Age / Roman-British Pottery. Parts of a Late Iron Age/Early Romano-British settlement and field system have been found across much of the remainder of the site. HCC Historic Environment have confirmed that they do not object to the proposals as the findings are unlikely to be so significant so as to warrant 'scheduling' and would not restrict the proposed development.

However, further investigations would be required via additional trial trenching and potential open area excavation to identify, more accurately, the location of findings and their importance. Depending on the outcome of this, mitigation measures may need to be put in place (although, this would not restrict the proposed development). As such, no objection is raised in this regard, subject to standard conditions requiring a Written Scheme of Investigation, that the necessary investigations be carried out and that suitable records be kept. The effect on archaeology is considered to be neutral.

Land contamination

- 4.3.99 The application is accompanied by a 'Preliminary risk assessment and geo-environmental Site Investigation report' (by RSK consultants). Having considered the submitted report, the NHDC Environmental Health Officer has advised as follows:

An appropriate combined Phase I and Phase II environmental risk assessment report has been submitted with the planning application. The RSK Report 28959-R02 (00) concludes that the site itself is not contaminated, but it does recognise the presence of a former landfill site immediately to the west of the application site. The site investigation included landfill gas monitoring installations and the report stated that two rounds of landfill gas monitoring were undertaken and the results did not identify the presence of elevated gas concentrations or flow rates.

However, two rounds of ground gas monitoring on a proposed housing development site next to a former landfill site is insufficient to rule out the presence of a risk to the proposed development from the landfill site. This is acknowledged to a degree by the RSK report, but it does not go far enough, in that it recommends only one additional round of ground gas monitoring.

For the above reasons the following land contamination planning condition and accompanying informative will be required in the event that planning permission is granted.

- 4.3.100 In light of the above, subject to conditions requiring further investigations, no objections are raised with regard to land contamination issues. The effect on land contamination is regarded as neutral.

Air quality

- 4.3.101 Paragraph 103 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'*.

Paragraph 181 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'*.

4.3.102 The application has been submitted together with an Air Quality Assessment, as well a Transport Assessment and a Travel Plan. The Councils 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 Health Officer advises that in accordance with NHDC guidance, the proposals of this scale and location define it as a 'medium' scale development. It is also advised that the findings of the submitted air quality assessment are sound and that the 'predicted impact on the local air quality at relevant receptors will be 'negligible adverse' and that no air quality objectives would be breached as a result of the proposed development'.

4.3.103 In light of the above, mitigation associated with 'medium' scale developments will be expected and required, which as a minimum would include a Travel Plan and the provision of EV charging points. However, the submitted Travel Plan does not include any reference to the provision of EV charging points, although it is acknowledged that there is a strong emphasis on encouraging a shift away from the use of private car journeys. The deficiencies of the submitted Travel Plan do not amount to a reason for refusal of the planning application, as this can be addressed via a suitable condition, requiring that all dwellings with allocated parking either on or adjacent to the plot will include EV charging points, to encourage the uptake and use of low emission electric vehicles. Furthermore, an additional condition is recommended, that an updated Travel Plan be submitted. The effect on air quality is regarded as neutral.

Noise

4.3.104 The application is accompanied by a Noise Assessment (by Grant Acoustics Consultants). Having assessed the submitted information, the Council's Environmental Health Officer has not raised any objections and has advised that the main sources of noise, namely road traffic noise from Heath Lane and noise from the nearby school, have been correctly and adequately assessed using appropriate standards and guidance. It is advised (and will be required via a suitable condition) that some of the proposed properties along Heath Lane and some properties closest to school playing areas will require mitigation measures, such as mechanical ventilation (so that windows can remain shut) and 1.8m high close boarded fencing.

- 4.3.105 With regard to noise during the construction phases, whilst this is addressed in the Noise Assessment, it has been advised that no further conditions are required, although an informative is to be included which will require the developers and contractors to adhere to the noise limits suggested (that British Standards noise limits be adhered to and that during the construction phases, no activities take place outside of Mon-Fri 0800 – 18:00 and 08:00 – 13:00 Saturdays and no work on Sundays and Bank holidays).
- 4.3.106 It is noted that the southern access to and from St Albans Road will be in place of No.66 and the existing access track (which includes Footpath 14). This would pass between the remaining No.64 and No.68 St Albans Road. The whole of the land forming the entrance would be approximately 27m wide, with the proposed entrance road measuring approximately 6.9m wide. A submitted landscaping drawing, 'Entrance Vignette' shows that the entrance road would feature footpaths and tree-lined and hedge-lined landscaping along both sides, creating a buffer to both neighbouring properties. At the nearest point, the entrance road would be approximately 11m from the neighbouring dwellings and given the separation and intervening features (footpaths and landscaping), it is considered that the noise impacts from the new road would not be any greater than the existing noise along St Albans Road. The effect on noise is regarded as neutral.

Impact on the residential amenity of existing local and neighbouring residents

- 4.3.107 Concern has been raised from residents living nearby to the proposed development with regard to loss of privacy, overshadowing and loss of light. The nearest proposed dwellings to the rear boundaries of properties on St Albans Road would be approximately 18m and the distance to the dwellings on St Albans Road would be approximately 35-40m. Proposed dwellings would be screened and separated from existing properties on the south side of Hill Road and Meadow Way by the enhanced Hertfordshire Way and the increased landscaping and tree planting. In any case, the distance between proposed dwellings and existing dwellings would be between 20m and 35m. Given these distances, the proposals are not considered to result in any material adverse impacts in terms of any overlooking, any loss of light and there would not be any direct overlooking of existing properties.
- 4.3.108 Three rows of affordable units would side onto the rear boundaries of existing properties along the western side of Hill Road. The two most northerly rows would have Plots 158 and 163 nearest to the existing properties and these would be set in from the boundary by approximately 5.5m in the case of Plot 158 and 6.5m in the case of Plot 163. These would be partially screened by existing trees and vegetation and owing to the large rear gardens of the properties on Hill Road, the distance between dwellings would be approximately proposed properties would be set in from the rear boundaries of the Hill Road properties by approximately 35m (side of proposed dwelling to the rear elevation of the properties on Hill Road). At these distances, it is considered that this aspect of the proposal would not have an overbearing impact on the nearest existing neighbouring properties and would not result in loss of light. In addition, these proposed dwellings would not include any windows to their side elevations and so would not result in any overlooking.

- 4.3.109 The third row would include Plot 167, which would be set in from the rear boundaries of No.20 and No.22 Hill Road and would be set some 40m from the nearest existing dwelling (No.20). As such, this aspect of the proposal would not result in any loss of light and would not result in an overbearing impact. However, Plot 167 would include two windows at first floor level to the east elevation – one serving a first-floor landing and the other serving a bedroom. Although these would face down the rear/ side garden of no.22, these would be set in from the boundary by 9m, there would be an intervening hedge and it is noted that the far end of the garden of No.22 includes at least two outbuildings, which would further block/ obscure any views. Lastly, it is noted that these windows would be set some 50m from the side of No.22. In light of these observations, officers are satisfied that this aspect of the proposal would not amount to any significant overlooking and so conditions (requiring obscure glazing) are not necessary and would not be reasonable in this instance.
- 4.3.110 In light of the above, I conclude that the living conditions of existing residents would not be significantly affected. However, in the short term, there would likely be at least some impacts to existing neighbouring properties during the construction phase. Whilst various conditions would be imposed on the grant of planning permission, which seek to minimise this impact (for example, construction method statements and construction hours etc), there is likely to be at least some impact and disturbance, even if it is kept at a minimal level. I therefore consider that the construction phase of this proposal will have a small adverse impact.

Loss of agricultural land

- 4.3.111 Paragraph 170 of the NPPF states decisions should recognise the economic and other benefits of the best and most versatile agricultural land (defined as land in Grades 1, 2 and 3a). The harm arising from the loss of agricultural land is a further factor to be considered.
- 4.3.112 The Natural England classification Maps show the land around Codicote to fall within the good-moderate category. The Agricultural Land Classification Report submitted with this application concludes that the site is categorised as 3a (good quality) and 3b (moderate). The site does contain some of the best and most versatile grade of agricultural land, which would be lost and this is a minor adverse impact of the proposal that attracts limited weight.

Summary on environmental considerations

- 4.3.113 As outlined above, the proposed development has been found to either have a small net benefit (ecology) or a neutral effect (drainage; archaeology; land contamination; air quality); or a small adverse impact (residential amenity in the short term; loss of agricultural land). Therefore, it is acknowledged that there would be some disturbance to neighbouring properties during the construction phase and there would be a short-term loss and disturbance to ecology and wildlife, at least until mitigation and replacement planting was established. In addition, whilst the land is not the highest quality, it would at least result in the loss of some agricultural land. As such, in the overall planning balance, the proposals cause a small level of environmental harm to which I attribute limited weight.

Whether the development would represent a sustainable form of development

- 4.3.114 To achieve sustainable development the economic, social and environmental objectives set out in Section 2 of the NPPF must be met.
- 4.3.115 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 development would result in increased expenditure for local goods and services, boosting the local economy and helping to sustain the vitality and viability of local shops and services. Increased Council tax revenue would help to maintain public services.
- 4.3.116 In terms of the social objective, a number of community benefits would accrue from this development. Firstly, it would provide valuable housing, including a high percentage of affordable housing that meets local housing need, in a district that is suffering from a lack of housing supply. A range of house types and tenures would assist in meeting this need. The proposal would boost the supply of housing in the district in accordance with Section 5 of the Framework ('Delivering a sufficient supply of homes'). Secondly, the site would deliver housing in a high-quality residential environment featuring a large amount of public open space and ready access to a network of public footpaths. The development would be well connected to the existing community of Codicote and by public transport to larger towns. 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.
- 4.3.117 In terms of the environmental objective it has been concluded above that the proposed development would likely result in some harm to the character and appearance of the landscape in the short term, however this would be significantly reduced over time in the longer term, as significant structural planting matures, largely screening the development from the wider landscape. With regard to ecology, whilst there would be limited harm in the short term during the construction process, in the longer term the proposed development would result in a small net gain in biodiversity on site and increased gains off-site, through a s106 contribution towards a local ecology project. The agricultural land is necessary to achieve the District's housing need which cannot be met within existing urban areas. 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.

Summary on sustainability

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

Whether any harm by reason of inappropriateness, and any other harm would be clearly outweighed by other considerations and whether these would amount to very special circumstances.

4.3.119 Paragraph 144 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.'* The applicants contend that there are considerations that would outweigh harm arising from inappropriate development and any other harm to amount to very special circumstances.

4.3.120 The above sections of this report outline that the proposed development is an inappropriate form of development within the Green Belt, which is harmful by definition and harm has also been identified to the openness of the Green Belt and to some of the purposes of the Green Belt. This harm attracts substantial weight. This report has also outlined and discussed other material planning considerations and has considered if the proposed development would result in 'any other harm' above and if so, the harm has been identified and considered and then weight attributed to that harm. This section of the report will now outline matters which are considered to weigh in favour of the application. The overall planning balance will then be set out, taking into account the harm outlined above against the benefits outlined below in order to determine whether very special circumstances exist to justify a permission.

Land for the expansion of Codicote C of E Primary School

4.3.121 The emerging Local Plan allocates four sites for development in Codicote which is one of five villages where higher levels of growth are supported. The emerging policy recognises that land for the expansion of the existing primary school is required to deliver this level of development and that CD5, the application site, ideally should come forward first as it is the site that unlocks the land required for that expansion. The other sites are required to make contributions to deliver that expansion. This particular matter is addressed separately below. The delivery of high quality educational facilities is clearly a national and local priority. Codicote Church of England Primary School ('the primary school') is a 1 form entry school and since 2009 has achieved an Outstanding OFSTED rating (latest inspection in 2013 also Outstanding rating) and so the quality of education provided at the school is not in dispute.

The school serves the village of Codicote and the surrounding area and is in high demand with high levels of applications for entry each year. For example, information provided on the HCC website for the primary school states that in 2018 there was a total of 82 applications made, in 2019 there was a total of 87 applications made and in 2020 a total of 73 applications were made, compared to the 30 places available each year (this is the total applications made for a place at the school in 2018 and 2019, for pupils living in both Codicote and also outside of the village).

- 4.3.122 As explained above, under emerging policy CD5, associated with this application is the transfer of the land to the east of Footpath 14 for the expansion of the primary school from a 1FE school to a 2 FE school. The transfer of the land would be required as part of Land Transfer Agreement between the applicant, land owners and HCC and which will be appended to the s106 legal agreement. The land in question would provide a new outdoor playing field space to replace the existing, where new classrooms would be constructed to provide the extra classroom-space to enable the expansion of the school. The construction of the new single-storey classroom block, with associated car parking and landscaping and the creation of a new playing field to the south of the school, on the land in question, was granted planning permission at HCC Development Control Committee on 24th September 2020, under HCC reference PL/0111/19.
- 4.3.123 An advice note has been provided by the HCC Growth and Infrastructure Unit (HCC G&I) regarding the current situation with the primary school and is appended to this report at Appendix A. It is noted that the existing primary school is 'landlocked' on three sides (existing residential development immediately to the north, east and west of the school) and following discussions with HCC it is recognised that it is not viable to relocate the school (to the edge of the village for example). As such, the expansion of the school to the south, using the land in question, is the only viable option. The education authority (HCC) have made a clear commitment to this expansion via the recent approval of the associated planning application at HCC Development Control Committee. This current planning application provides that land and thus would allow the school to expand. This brings benefits for both existing and future residents.
- 4.3.124 The note provided by HCC makes it clear that the expansion of the school is mainly required by the need which would arise from this site and the other three sites allocated in the Emerging Local Plan (ELP). Provision for infrastructure required to meet the needs of the development itself should not weigh in favour of the scheme. However, weight may be attracted where additional benefits are provided above and beyond the scheme requirements. This is the case here.
- 4.3.125 Across the four sites in the ELP, a total of 315 dwellings are allocated in Codicote. Based on the HCC strategic planning ratio of 500 dwellings to 1FE, the proposals would result in an estimated demand for 0.63FE.

However, each of the sites are coming forward with increased housing numbers, including this application for 167 dwellings rather than the 140 as allocated under CD5 (CD1 and CD2 are subject of live applications and CD3 has been subject of a pre-application enquiry and the application is pending), and so it is likely that closer to approximately 360-370 dwellings could be coming forward (if the current applications are found to be acceptable). This would represent the equivalent of an estimated peak yield of 0.8FE of school places from the four sites.

4.3.126 Over recent years HCC has worked with the school to agree temporary expansions on an annual basis to accommodate the excess demand. However, in 2019 it was agreed that it is no longer possible to provide additional capacity in this way as there are no further options to provide temporary expansion and thus it is understood that of the 41 applications made in 2019, 11 children from the village were allocated school places elsewhere (as noted above). The next nearest school is 2 miles away. HCC G&I also acknowledge that this is likely to be an ongoing issue in years to come, as the local pre-school aged population in Codicote exceeds the number of places available. The appended note from HCC outlines the projected demand for places at the school from the existing village of Codicote. As can be seen, although demand fluctuates on a yearly basis, an analysis of the population data shows that there are 50 pre-school aged children living in the village who will be of Reception age in September 2021 and 41 children in 2022, both well above the 30 places available and so more children may need to be sent to alternative schools outside of the village. Clearly in order to ensure the creation of inclusive and coherent communities all children from a village should be able to attend the same local school where this is achievable.

4.3.127 In light of the above, there is already an unmet demand from the existing community and this is likely to continue if land is not made available through this application for the school to be expanded. The proposed development will enable existing and future unmet need to be addressed, would allow for the planning permission already granted by HCC for the expansion of the school to be implemented and therefore would enable improved facilities to be made available for all children in the village, providing much needed clarity and certainty for the future of the school.

4.3.128 The approval for the expansion of the school by HCC Development Control Committee already provides a degree of clarity and certainty on the delivery of the school's expansion and the weight which can be attributed to this matter in the overall planning balance. The Land Transfer Agreement associated and appended with the draft s106 associated with this current application outlines that the land would be transferred to HCC either within 4 months of the grant of permission for the expansion of the school (i.e. 4 months from 24th September) or on the transfer of the residential land (land subject of this current application) to a developer, whichever is the later, although the 'transfer of the residential land' has a 'back-stop' of no later than 4 months from the grant of permission. As such, further certainty is provided as the land would be transferred to HCC no later than September 2021, to allow them to implement the expansion of the school. Having discussed this with officers at HCC, the expansion of the school to 2FE could be provided by September 2022 on the basis of these timings.

This application is being recommended to planning Committee at this stage, prior to the adoption of the ELP, so as to seek to secure the school expansion as soon as possible. If the application is delayed until the ELP is adopted, then the school expansion could be delayed by at least a further year until 2023.

4.3.129 As well as enabling the expansion of the school, to not only meet the need of this development (neutral weight) it unlocks the ability of other sites proposed in Codicote to meet their needs and also provides for the existing unmet need which cannot otherwise be addressed locally, whilst the proposed expansion of the school would also improve the quality of accommodation, such as the replacement of temporary class rooms with permanent ones.

4.3.130 Paragraph 94 of the NPPF states that:

'It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and'

4.3.131 Given the importance of education to the future of the country, national planning policy deliberately promotes a very positive policy framework to consideration of planning applications for the creation, expansion or alteration of schools. In light of the above, it is considered that by enabling the expansion of the primary school, which otherwise is not possible, to meet the existing and future unmet needs of the village, the proposed development would result in a significant benefit to the village and to the wider community, to which I attach very substantial weight.

4.3.132 Whilst each application turns on its own merits and whether or not very special circumstances exist is a matter of planning judgment on the merits of a particular case the applicants have referred to a number of previous planning decisions by SoS which support this approach. One such proposal related to a large scale residential development at Howard of Effingham School, located within the Green Belt and which included the reconstruction and expansion of the school. The application was refused by the Council (Guildford Borough Council) and the appeal was recovered by the SoS. The Inspectors report found that whilst the development would be inappropriate in the Green Belt, very special circumstances existed to justify approval. The inspectors reports states that *'The provision of a new and expanded school on the basis of the significant shortcomings of its current infrastructure, its condition and current financial circumstances for its maintenance and repair, the demonstrated need for its expansion, and very strong Government policy support for such a proposal for which there are no credible or sustainable alternatives, all together merit, in the particular circumstances of this case, very substantial weight being given to them'*.

4.3.133 The applicants also refer to a decision regarding Oaklands College in St Albans. Again the LPA refused permission for large scale residential development and the SoS recovered the subsequent appeal. Again it was found that the proposal represented inappropriate, harmful development within the Green Belt. However, in allowing the appeal, the Inspector states *the delivery of significant improvements to the College weighs very heavily in favour of the proposal. There is no significant evidence to demonstrate that the much-needed improvements to the College could be delivered by any other means... in the agreed lack of a five year housing land supply, the proposed market and affordable housing is a significant benefit.*

4.3.134 These appeal decisions support the approach that is being taken in this report, in that the provision and expansion of education facilities which, as is the case here, cannot be delivered other than in the green belt can attract very substantial weight and can represent or at least contribute towards the existence of very special circumstances to justify a permission.

The delivery of market and affordable housing

4.3.135 The next consideration which weighs very strongly in favour of the application is that the proposals would make an important contribution of 167 residential units towards the Council's significant five year housing land supply (5YHLS) deficit. Planning Policy Guidance outlines that on its own *'unmet housing need ...is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt'*. However firstly, this is guidance, not policy, and secondly the guidance does not say that unmet need on its own can never outweigh the harm to the Green Belt. In the circumstances of this application as the Council is unable to demonstrate a 5YHLS in that it only has 2 years supply of housing, this matter attracts very substantial weight.

4.3.136 As explained above the Council is unable to demonstrate a 5YHLS and at the time of writing this report, the latest figure for decision making purposes stands at 2.2 years as of April 2020 (as outlined in the Council's response to the Inspector 'Examination Document ED191B Appendix 1 NHDC 5 year Housing Land Supply at 1 April 2020') which is a significant and serious deficit. The Council is also presently unable to meet the requirements of the Government's Housing Delivery Test (HDT) so currently fails to meet either test in Footnote 7 of the NPPF. The Government's latest Housing Delivery Test results were published in February 2021. These show the Council delivered 36% of the homes considered necessary under this measure. This was down from 44% the previous year and well below the 75% threshold at which the requirements of NPPF Footnote 7 apply. The latest result for North Hertfordshire was the fourth-lowest figure of almost 300 local authorities in the country.

- 4.3.137 This significant and acute shortfall of housing land supply reflects a historic chronic under supply of housing compared to targets over the past 9 years or so (and which is elaborated upon below) and reflects the severe mismatch between the Government's 'standard method' (which forms the basis of the five-year requirement in the absence of an up-to-date plan) and anticipated supply from 'deliverable' housing sites in the coming years. Given that the site is in the Green Belt and is inappropriate development, paragraph 11 of the NPPF requires consideration of whether there are very special circumstances to justify a permission. If not then the application should be refused. Therefore consideration of whether or not VSC exist to justify this proposed development is determinative of this application. The delivery of housing is a consideration that needs to be taken into account to see if that together with any other considerations outweigh the harm to the green belt to create the VSC to justify a permission.
- 4.3.138 With regard to the Council's current housing land supply, it is noted that since 2011 (the start date for the planning period in the Emerging Local Plan), housing completions have been on average 313 dwellings per year, with the highest completions in 2016/17 with 539 units and the lowest in 2014/15 with just 180 completions. Until the ELP is adopted, the Council's 5YHLS for decision-making purposes and Housing Delivery Test results are based on the premise that between 700-1,000 dwellings should be provided per year. Past delivery has been significantly below these levels and this clearly demonstrates a significant shortfall of delivery over a period of 9 years.
- 4.3.139 The proposed development would provide a total of 167 residential units, which represents an 'up-lift' to the emerging allocation figure of approximately 19% and is therefore broadly in accordance with the indicative figure of 140 homes as outlined under Policies HS1 and CD5 of the Emerging Local Plan (ELP). 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. Overall, the dwelling mix would include 39% smaller units (1 and 2 bed units – 65 units in total) and 61% larger units (3 bed and above – 102 units) which complies with the requirements of Policy HS3 ('Housing Mix') of the ELP, which suggests a split of 40% smaller units and 60% larger units on edge-of-settlement sites.
- 4.3.140 The market housing would include 24no 2-bed units, 43no 3-bed units, 30no 4-bed units and 3no 5-bed units which is considered to be a good range of housing type and sizes. In addition, the detailed mix of market units accords with the most up-to-date evidence as outlined in the Strategic Housing Market Assessment (SHMA) and thus closely reflects the housing needs for the district. The proposal would deliver a significant quantum and range of market housing, which would make a significant contribution towards the need in the District. In the light of the absence of a five year supply the provision of the proposed new market housing should be afforded very substantial weight.

4.3.141 The proposed development would also be in accordance with Policy HS2: 'Affordable housing' of the ELP as 40% of the proposed development would comprise affordable units, which equates to a total of 67 units (40.1%). These would be split into 65% rented units and 35% shared ownership, also in accordance with requirements of Policy HS2 and the detailed breakdown of unit type has been agreed which accords with the precise requirements outlined by the Council's Housing Officers (also in accordance with the housing needs of the district, as outlined in the SHMA) – this is to be secured as part of the s106 legal agreement and the provision of affordable units are shown on the proposed plans. It should also be noted that the provision of 40% affordable units well exceeds Saved Policy 29A of the Saved Local Plan. Lastly, the last 'rural housing Needs Survey' in Codicote was undertaken in 2007 and is therefore considered out of date, however there has been no provision of affordable units within the village since the survey and therefore no provision for over 14 years. Again, in the light of the low level of provision in the district and the undersupply over a number of years, this aspect of the proposal should be given very substantial weight in favour of the proposals.

4.3.142 Policy HS4 requires the provision of an element of housing appropriate for older persons on sites of 100 units or more and Policy HS5 also sets out the required accessibility standards. As outlined in the submitted Planning Statement, 37% of the market units will meet M4(2) standards, meaning that they are readily adaptable for a wide range of occupants, including older people. In addition, 10% of the affordable units will meet M4(3) standards which means that they are suitable for wheelchair occupiers.

4.3.143 As mentioned at paragraphs 4.3.132 – 4.3.134 above, the applicants have made reference to a number of appeal decisions. Again, officers would stress that each application turns on its own merits and whether or not very special circumstances exist is a matter of planning judgment on the merits of a particular case. However, it is considered that the appeal decisions mentioned below support the approach that is being taken in this report, with regard to the supply of housing in the context of a significant undersupply and a lack of a 5YHLS and that this can attract very substantial weight and can represent or at least contribute towards the existence of very special circumstances to justify a permission. The appeal decisions are summarised as follows:

- Howard of Effingham School, Surrey (Appeal ref. APP/Y3615/W/16/3151098 dated 21 March 2018 - appeal allowed having been recovered by SoS and following recommendation by the PINs Inspector that it be approved) – significant weight afforded to the delivery of 295 homes in the Green Belt (20% affordable – below the 35% required by policy) in light of 2.1 years of housing land supply.
- Oaklands College, St Albans (Appeal ref. APP/B1930/W/15/3051164 SoS decision dated 1 November 2017 - appeal allowed by SoS following recommendation of approval by PINs Inspector) – significant weight afforded to the supply of housing in the Green Belt, and significant weight also afforded to the 35% provision of affordable housing, in light of a 3.49 years of housing land supply.

- Ruddington, Nottinghamshire (Appeal ref. APP/P3040/W/17/3185493 dated 23 May 2018 – Appeal allowed by PINs inspector) – significant weight afforded to the supply of 175 dwellings in the Green Belt in light of 3.1 years of housing supply

4.3.144 Under the section titled ‘Prematurity’ of this report, at paragraph 4.3.21 above, the ‘Housing Delivery Test Action Plan’ is referred to. The Council is in a position whereby it must produce the Action Plan, due to the historic and significant undersupply of housing in the district, as outlined above. Again, paragraph 79 of the action plan, which was agreed by Cabinet in June 2020, states that ‘... *proposed housing sites currently within the Green Belt generally remain subject to the very special circumstances tests set out in National Policy and potential ministerial call-in. It may now be appropriate, subject to an open and balanced consideration of all relevant factors, to determine some planning applications on these sites in advance of the Plan examination being concluded*’. As such, it has been acknowledged and agreed at a strategic planning level that owing to the significance of the undersupply of housing, the Council should consider bringing forward sites located within the Green Belt prior to the adoption of the ELP.

4.3.145 In summary, and in light of the above, the council cannot demonstrate the minimum 5YHLS. The latest published figures identify a 2.2-year land supply, whilst the Government’s recently published Housing Delivery Test results reinforce this view with the District having one of the lowest figures nationally. The current land supply position reflects the previous years of undersupply of both market and affordable residential units across the district. Paragraph 59 to the NPPF sets out the Government’s objective to significantly boost the supply of homes. The clear expectation of the Framework is a step change in the delivery of housing. The continued delay in the completion of the Local Plan process reinforces the urgent need for planning decisions to be taken now to release more housing in the district and prevent any further deterioration of the Council’s housing land supply. The proposal would provide a very significant benefit in contributing 167 residential dwellings in total, 67 of which would be much needed affordable units towards addressing the shortfall in the supply of new housing which would be in accordance with this objective and the Council’s housing policies. In this context, very substantial weight is attributed to this matter in favour of the proposal.

Allocation within the Emerging Local Plan

4.3.146 The Council’s Emerging Local Plan (ELP) was submitted for Examination in 2017. Although this remains ongoing, the additional hearings have now been completed. This site benefits from a proposed allocation under Policy CD5 and the ELP proposes the entirety of this site would be released from the Green Belt for development and incorporated within a revised settlement boundary for the village. This policy also contains detailed policy criteria to be considered in the determination of any relevant application(s).

4.3.147 Paragraph 48 of the National Planning Policy Framework (NPPF) provides advice on weight which might be given to emerging policy having regard to:

- a. The stage of preparation the plan has reached;
- b. The extent of unresolved objections; and
- c. The extent to which the proposed new policies are consistent with the NPPF.

4.3.148 With regards criteria (a), the plan is well advanced. It is at Examination, albeit the completion of this process is reliant on further consultation in relation to further Main Modifications, which follow the most recent hearings in November and December 2020 and February 2021. To date the Inspector has issued no (interim) findings on the matter of Green Belt or the *exceptional circumstances* required to release land for future development. The Council's Green Belt evidence has been subject to further examination sessions – albeit that the overall assessments of the contribution of this land to Green Belt purposes have not altered over the course of the examination and this site is not subject to any specific outstanding questions at this stage.

4.3.149 At the conclusion of the November and December 2020 hearings, the Inspector held a 'wash-up' session with the Council to discuss the matters arising and next steps. This session was held in public and is available to view on the Council's YouTube channel. At that session the Inspector stated that going forward, the Council could expect one of two things to happen; either to receive a letter setting out any fundamental concerns or going out for consultation on further main modifications. The Inspector undertook to write to the Council raising any concerns by the end of January 2021 at the latest. The Inspector was clear that any further main modifications would be those that he considered necessary for the soundness of the Plan and that he would not allow modifications with which he was not happy to be consulted upon. At the time of finalising this Planning Control Committee report (early March 2021), no letter has been received from the Inspector setting out any concerns and no indication has been received through the Programme Officer that any such letter should be expected to be received.

4.3.150 The schedule of Main Modifications have not been published by the Inspector at the time of finalising this report but these are expected to be received imminently and before the Planning Control Committee meeting on 18th March 2021 (a verbal update will be provided to members on the night). In addition, it is anticipated that the Main Modifications are to be presented to the Councils Cabinet meeting on 16th March 2021, seeking approval to carry out the necessary consultation on the Main modifications. The Cabinet agenda and the associated report is available to view on the Council's website.

4.3.151 As noted above, although the Inspectors is yet to publish the final schedule of proposed main modifications (at the time of finalising this report), at his request Council officers have prepared an initial draft schedule of proposed further main modifications based upon the information submitted prior to the hearings, matters discussed at the hearings themselves, and matters on which the Inspector requested additional information having heard evidence at the hearings.

These have been sent to the Inspector for his review and approval. As set out above, he has not raised any significant issues of concern and in broad terms, the draft modifications requested by and submitted to the Inspector to date do not require changes to the position set out by the Council in relation to the matters below:

- The objectively assessed need for housing within the District over the period 2011-2031 of 11,500 homes and a housing supply to meet that need in full, from a range of sites that might deliver over 13,000 homes during the same period;
- The release and use of sites presently in the Green Belt in order to achieve this.
- The approach to the selection and allocation of housing sites;

4.3.152 In light of the above, officers consider that the Inspector is now unlikely to raise any substantive concerns on the matters he heard evidence on during November and December 2020, including the overall housing need, the Council's approach to the selection and allocation of sites, the release of Green Belt land in order to achieve these and the identification of certain villages including Codicote where a greater level of housing development will be allocated. The absence of any formal communication on these issues from the Inspector by the end of January 2021, or any request to prepare any modifications which might substantively alter the emerging plan's position on these matters, provides a strong indication that all of the Green Belt sites currently allocated in the plan, including this site under allocation CD5, will remain in the plan when it is eventually presented for adoption (anticipated later this year).

4.3.153 With regards criterion (b) of paragraph 48 of the NPPF, which refers to '*the extent of unresolved objections*', the general concept of Green Belt release remains highly contentious and subject to significant objection. During the course of the consultation on the Submission Local Plan, this site received 52 objections, mainly from local residents but also some from groups such as 'Save Rural Codicote' and CPRE. Representations of support were from the site promoters but also from HCC. During the course of the consultation on the main modifications, 5 representations of objection were received and there were three in support, from site promoters and again from HCC. There were no substantive objections from statutory consultees at either consultation stage.

4.3.154 In terms of criterion (c), a number of the proposed main modifications arising from the examination are to ensure this consistency is present throughout the plan. Weight should be attributed to the relevant policies of the emerging Plan in this context.

4.3.155 Should the new Plan proceed to adoption then the Council would be able to demonstrate a five-year land supply (by virtue of this being a key consideration of the Examination). However, this site is relied upon for that. In this regard it is important not to excessively overstate or 'double count' the benefits arising from combined consideration of the emerging allocation and absence of five-year supply in a *very special circumstances* case.

4.3.156 As noted above, strictly speaking the Inspector has not provided any written clarity on whether or not the exceptional circumstances test has been met in order to release Green Belt Land for development. However, as outlined above, at the wash-up session in December 2020 the Inspector undertook to raise any substantive concerns regarding the overall approach in the ELP by the end of January 2021 and at the time of writing this report, nothing has been received and it is understood that the Inspector is to move forward with his main modifications, which he deems necessary to make the plan sound. Furthermore, at no part of the examination process has the Inspector raised any issues with regard to the overall principle of this particular site allocation and so as-and-when the ELP is adopted, it is the officers view that in all likelihood this site will remain within the ELP. In light of this, the emerging policy context weighs in favour of the scheme and the allocation of the site within the ELP attracts substantial weight in this instance.

Unlocking development potential on other allocated sites in Codicote

4.3.157 Under the latest draft main modifications of the ELP, the Policies for the remaining sites allocated in Codicote (CD1, CD2 and CD3) now include the requirement that '*Appropriate solution for expansion of Codicote Primary School to be secured to accommodate additional pupils arising from this site*'. Whilst it is acknowledged that this additional requirement has been challenged by the land owners and promoters of the other three sites, it is noted that HCC Growth and Infrastructure and Children's Services Departments have raised concerns regarding the deliverability of the other three sites in Codicote, given that there is currently no further capacity at the primary school and if these were to come forward first, before CD5, then any children from these developments would be required to attend alternative primary schools outside of the village/ parish, leading to potentially unsustainable development.

4.3.158 Through the transfer of the school land to the east of this application site, via a s106 legal agreement and land transfer agreement, this site would enable the school to expand as detailed previously in this report and thus would also allow for the delivery of these other three sites, in due course. As outlined above in this report, the Council can currently only demonstrate a 2.2 year supply of housing land, well short of the required minimum of 5 years and there has been a chronic historic undersupply and shortfall of housing in this district. As such, the potential to increase the supply of housing via other sites, is of particular importance. Whilst these other sites are/ would be subject to the acceptability of their own planning applications, the principle of their release from the Green Belt and their allocation has been found by the Council to be suitable for promotion through the Emerging Local Plan process. The enabling and release of the other three sites allocated in Codicote would be beneficial as it would allow these sites to come forward, delivering additional housing, potentially up to approximately 200 additional homes, to contribute towards the district's housing supply. Furthermore, it is noted that these three developments would also contribute financially, towards the expansion of the school. This wider aspect of the current proposal is considered to merit substantial weight in favour of the development, in the overall planning balance.

Additional community benefits

- 4.3.159 In terms of other social and environmental benefits, the meeting of needs arising from the site itself would be a neutral factor in the planning balance and would not contribute to any case of *very special circumstances*. However, any 'net' increases in capacity over and above this (i.e. additional or spare capacity once the needs of the site have been considered) would potentially be a consideration in the balance.
- 4.3.160 The proposed Main Modifications remove the 200 unit threshold originally proposed in Policy NE5 for the provision of formal open space. Modified Policy NEX: 'New and improved open Space of the ELP states that:

Planning permission will be granted for development proposals that make provision for new and/or improved open space which:

- a. meets the needs arising from the development having regard to the Council's open space standards and other relevant guidance;*
- b. contributes towards improving the provision, quality and accessibility of open space;*
and
- c. incorporate any necessary open space buffer(s) for landscape, visual, ecological or air quality reasons.*

- 4.3.161 The submitted planning statement makes reference to the provision of 4.4 hectares of public open space and a LEAP/ play area. This compares favourably with the need generated by the site under the Council's Open Space Standards, which would require 1.5 ha of open space and a need for 0.2 play areas. The submitted landscape plans include details of the LEAP and this would include 7 pieces of play equipment, including timber framed swings, see-saw and climbing frame with a slide. The proposed development would benefit both the future occupiers and to the existing wider community of Codicote. The future management and maintenance of the open space, including the parks, would be secured via the s106 legal agreement and conditions.
- 4.3.162 Further to this, paragraph 141 of the NPPF states that '*Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land*'. The existing PROW which run through the site and which are largely enclosed (the Hertfordshire Way, for example, is relatively narrow and lined by low fencing) would be retained and would be enhanced, with additional landscaping (tree and hedge lined) and the PROW would be opened up, to provide additional routes into site, linking the PROW to large areas of open space and the play park, referred to above, in line with paragraph 141 of the NPPF.

- 4.3.163 Paragraph 80 of the NPPF states that significant weight should be placed upon the need to support economic growth and productivity. This is particularly relevant in the current economic circumstances precipitated by the COVID-19 pandemic. There will be considerable economic benefits derived from the construction of the site. The Council's housing trajectories – which are broadly supported by the applicant – suggest delivery of homes over a four-year period during which there would be a sustained demand for construction workers and other employees. Workers would also make use of local services, shops and facilities and beyond the completion of the site, there would be ongoing economic benefits and / or employment opportunities arising from the expanded school and the increased population would provide a larger customer base for the shops and facilities in Codicote, enhancing their viability,
- 4.3.164 The additional benefits to the community, as outlined above, would weigh in favour of the proposed development. In this instance, these matters cumulatively attract moderate weight in the overall planning balance.

Summary on very special circumstances

- 4.3.165 This section of the report has outlined the planning considerations which are in favour of the proposed development. Two key aspects in particular have been identified, two of which are attributed very substantial weight and which include the transfer of the land to the east of the site to enable the expansion of the primary school, which would not only address the need of this site and the other sites allocation in Codicote in the ELP, but also the existing and future shortfall/ unmet need from the existing community and would go a long way to further promote an inclusive and coherent village community. In addition, the proposal would provide 167 dwellings, of which 67 would be affordable units, to help address the Council's current 5YHLS shortfall and historic undersupply of housing in the district.
- 4.3.166 In addition to these two key aspects, substantial weight is afforded to the allocation of this site in the ELP, given the advanced nature of the ELP examination and substantial weight is also identified in favour of the proposed development regarding the wider positive impact this proposal would have in terms of unlocking further allocated sites in Codicote and their ability to further address the Council's housing shortfall. Further moderate weight has been attributed in terms of providing enhancements to the existing PROW and the provision of additional public open space and parks for recreational use by the wider community.
- 4.3.167 The benefits of this proposal and the weight attributed to these will be set against the harm outlined earlier in this report, as part of the 'conclusion and planning balance' section set out below in order to assess whether very special circumstances exist to justify a permission in the green belt.

Planning Obligations

4.3.168 In considering Planning obligations in relation to this development paragraph 56 of the NPPF advises that:

Planning obligations should only be sought where they meet all of the following tests:

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

4.3.169 The LPA has held detailed negotiations with the applicant and agreement has been reached on a range of matters which are included in the draft s106. These include the phased provision of 67 affordable dwellings, the transfer of the 'school land' to HCC for the school expansion and index-linked financial contributions towards the expansion of the primary school and towards secondary education. 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 the 315 bus service through Codicote and towards the improvement of bus stops. All of the s106 obligations are listed in the following table:

Element	Detail and Justification
Affordable Housing (NHDC)	<p>On site provision of 67 affordable dwellings based on 65% rented tenure (units of mixed size) and 35% intermediate tenure (units of mixed size)</p> <p>NHDC Planning Obligations Supplementary Planning Document</p> <p>Submission Local Plan Policy HS2 'Affordable Housing'</p>
Primary Education educations (HCC)	<p>Contribution of £1,573,560 (before indexation) towards the expansion of Codicote C of E Primary School by 1 form of entry (from 1FE to 2FE).</p> <p>The transfer of the land to the east of the site (shown edged blue on the Site location plan) to HCC via Land Transfer Agreement:</p> <p><i>The transfer of the playing fields shall take place on either:</i></p> <p>(i) <i>4 months after the statutory challenge period in respect of the playing fields permission plus 21 days; or</i></p> <p>(ii) <i>the Transfer of the Residential Development Land (but no later than 4months after the statutory challenge period in respect of the grant of planning permission for the residential development)</i></p>

	<p><i>whichever is the later</i></p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Toolkit</p>
Secondary Education contributions (HCC)	<p>Contribution of £389,445 (before indexing) towards the expansion of Monks Walk School, Welwyn, from 8FE to 9FE)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Toolkit</p>
Library Services (HCC)	<p>Contribution of £28,874 (before indexing) to go towards improvements at Welwyn Garden City Library)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Planning Obligations SPD and HCC Toolkit</p>
Youth Services (HCC)	<p>Contribution of £7,419 (before indexing) towards the development of outreach work based out of Bancroft Youth Centre in Hitchin.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>
Sustainable Transport contributions (HCC)	<p>Contributions to upgrade and improve sustainable transport as follows:</p> <ol style="list-style-type: none"> 1. £76,000 (before indexing) towards the upgrading of nearby bus stops at the Peace Memorial and The Bell PH. 2. £225,750 (before indexing) towards the 5 year expansion of the 315 bus route though Codicote 3. £6,000 towards the assessment and monitoring of the Travel Plan <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>

Ecological off-site compensation scheme (HCC)	Contribution of £26,760 towards an off-site local ecology/ biodiversity project (two stepped – in the first instance seek a 'local project' within 5 years. If this is not possible, the contribution will be submitted to 'The Environment Bank')
Health Services (NHDC)	<p>Contribution of £118,203.13 towards the reconfiguration of Bridge Cottage GP surgery, Welwyn (to digitalise patient records, move their administrative team into that space and releasing consulting room space arising from the space the administrative team currently occupy)</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p>
Community Centre/ Halls Contribution (NHDC)	<p>Contribution of £251,753.39 towards the construction of a new/ replacement 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 £56,562.50 towards the refurbishment of a disused pavilion at Bury Lane Sports Field</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>

Car Club Scheme (NHDC)	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.
Open space/ landscape management and maintenance arrangements	Private management company to secure the provision and long-term maintenance of the open space/landscape buffer and any SuDs infrastructure Policy SP7 'Infrastructure requirements and developer contributions'
Fire Hydrants (HCC)	Provision within the site in accordance with standard wording Policy SP7 'Infrastructure requirements and developer contributions'

4.3.170 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.

4.3.171 Some of the provisions of the Obligation are designed to mitigate the impact of the proposal and these elements, most notably the infrastructure contributions, therefore do not provide significant benefits weighing in favour of the proposal. However other matters, most notably the transfer of the 'school land' and the provision of affordable housing, heavily weigh in favour of the proposed development. Further agreed contributions towards sustainable transport (improvement of existing bus stops and expansion/ improvement of the 315 bus service), community centres/ halls (new Scout hut) and pitch sports (refurbishment of Bury Lane sports pavilion) 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. These matters therefore weigh in favour of the proposed development.

Planning balance and conclusion

4.3.172 Turning to the overall balance, the starting point is that the proposal is inappropriate development in the Green Belt which is, by definition, harmful by to the Green Belt and which as required by the NPPF is given substantial weight.

The proposals would introduce 167 dwellings and associated infrastructure onto what is currently undeveloped land and so there would be a significant degree of impact on the openness of the Green Belt, which also merits substantial weight in the overall planning balance. Further moderate harm has also been identified by virtue of encroachment into the countryside.

- 4.3.173 There would also be limited harm to the rural setting of this part of Codicote and harm to the wider landscape surrounding the site, which is considered to be moderate in the short term, reducing to limited in the longer-term, once mitigation and screen planting has matured.
- 4.3.174 As identified in this report, the proposed development would result in less than substantial harm, at the lower end of the spectrum, to the setting and through that, the significance of a collection of listed buildings at Codicote Bottom Farm and to the setting and significance of Ayot House Registered Park and Gardens. Whilst great weight is to be given to that limited harm, the public benefits of the proposal would clearly outweigh the less than substantial harm, and thus this matter would not represent a reason for refusal in its own right, in accordance with the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990. However, in considering whether there are very special circumstances to justify the release of this land from the green belt, this limited harm should be attributed great weight in the overall planning balance.
- 4.3.175 As outlined in this report, it is considered that there would not be any severe impacts on the local highway network and there would not be any unacceptable impacts to highway safety. In addition, the proposals would include significant mitigation measures through conditions and by way of s106 contributions, which would ease many of the impacts. For these reasons, the HCC Highway Officer has not raised any objections. However, it is acknowledged that the proposed development would inevitably result in some increased traffic which would add to the existing congestion issues experienced in Codicote, particularly along the B656 High Street during peak times. As such, it is recognised that the development would result in further minor harm which attracts limited weight.
- 4.3.176 Lastly, in terms of 'other harm', there would also be some limited harm in the short-term, with regard to disturbance to neighbouring properties which adjoin the site during the construction works. There would also be limited harm in the short-term to ecology and biodiversity on site, until replacement and mitigation has been established, which would actually result in a benefit in the longer term, as net gain is being sought both on-site and off-site.
- 4.3.177 Therefore this additional limited environmental harm, to which limited weight has been given as outlined above, needs to be weighed in the balance against the matters which are considered to be in favour of the proposals and the aspects of the proposals which would result in wider benefits.

To reiterate, paragraph 144 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. (emphasis added).

- 4.3.178 As outlined at paragraphs 4.3.114 – 4.3.117 of the report, the development is considered to represent a sustainable form of development. This is neutral in the planning balance. However, there are two main aspects which weigh heavily in favour of this proposed development, with a third key consideration providing further substantial weight.
- 4.3.179 Firstly, the proposal enables land associated with this site to be transferred to Hertfordshire County Council (HCC) via a s106 and a Land Transfer Agreement which would enable Codicote Church of England Primary School to permanently expand from a 1 form of entry school to 2FE. The aspect/ proportion of the expansion and the financial contribution required to accommodate the pupil yield from this proposed development is considered neutral in the planning balance, as this is required in any case. However, the enabling of the expansion of the school would address an existing and ongoing shortfall at the school, whereby at present there is an unmet need and the school is no longer able to accommodate all of the children in Codicote, with 11 children from the village being sent to schools outside of the village in 2019 and it is predicted that a significant number of children would need to be sent to other schools in September 2021 and 2022, as applications from Codicote will likely far exceed to the 30 available places. The quality of accommodation would also be improved, with proper, permanent new classrooms replacing the temporary measures currently in place at the school. It has been demonstrated that the school cannot be expanded by any other means. In addressing an existing shortfall and the unmet need of primary education in the village, this matter merits very substantial weight in the determination of this application.
- 4.3.180 Further weight can also be attributed in enabling the school to be expanded, as this would allow further sites allocated in Codicote to come forward, whereas otherwise they may be considered unsustainable development if they were to put increased pressure on the existing primary school, which could not otherwise be expanded (i.e. without the expansion of the school, the children from these other sites would also have to travel to other primary schools outside of the village). The delivery of the other three sites in Codicote is considered a benefit as these would also help to increase housing supply in the district.
- 4.3.181 This leads to the second main aspect considered to weigh very heavily in favour of the proposed development. The proposal would bring forward 167 housing units, of which 40% would be affordable (67 units).

This report outlines that the Council is only able to demonstrate 2.2 years of housing land supply (as of April 2020), compared with the minimum requirement of 5 years and that unfortunately, there has been a historic, chronic undersupply of housing over at least the past 9 years (average of 312 dwellings provided per year compared to the identified need of between 700 and 1,00 per annum). In the context of the Council's housing land supply situation and the historic undersupply, the provision of 167 dwellings in this case merits very substantial weight in favour of the proposed development

4.3.182 The third key consideration in favour of the proposal is the allocation of the site in the Emerging Local Plan (ELP), under Policy CD5. In terms of the weight to be attributed to this consideration, it is noted that the ELP is at an advanced stage and hearings have now been completed. Furthermore, it is the officers view that there is now a strong 'inference argument', in that that ELP examination Inspector clearly and publicly stated that he would raise any fundamental concerns regarding the overall approach and direction of the ELP (in terms of housing need, site selection and allocation and the release of Green Belt sites, for example) by the end of January 2021 and he has not done so, therefore 'implying' he is satisfied with these matters to the extent he can now progress with the further main modifications. In addition, the Inspector has at no point raised any specific concerns regarding the principle of this CD5 allocation. However, any weight afforded in this instance is slightly tempered in acknowledging that the Inspector has not yet published any written interim findings with regard to the 'exceptional circumstances' test, in order to release Green Belt land for housing need across the district as a whole. As such, this aspect merits substantial weight in favour of the proposal.

4.3.183 There are other benefits arising from the proposed development which have been identified in this report and which add further weight in favour of the proposed development. Most notably, the proposals include a significant amount of public open space and a large, well-equipped play park (LEAP). Together with improvements to the existing rights of way through the site, these aspects of the proposals would enhance the access and use of this part of the Green Belt to the wider benefit of the community and in accordance with paragraph 141 of the NPPF. It is also considered that in accordance with the aims of the NPPF, the proposed development would also result in various economic benefits, in terms of employment during the construction process and in terms of longer-terms benefits once the development would be in place. Lastly, whilst some of the obligations outlined in the agreed draft s106 are designed to mitigate the impact of the proposals, in line with the CIL regulations (neural weight), other matters weigh in favour of the development, most notably significant contributions towards sustainable transport in the form of improved bus stops and the expansion of bus services through the village, towards a new scout hut and towards the refurbishment of a disused sports pavilion. These contributions, towards off-site projects and community facilities, would provide wider public benefits to the Codicote community (and not just to the new residents of the proposed development) and thus also weigh in favour of the proposed development.

Summary and conclusion

- 4.3.184 It is your officers' view, applying the approach set out in paragraph 144 of the NPPF, that the other considerations identified, particularly those related to education and housing, clearly outweigh the harm to the green belt and the other harm identified so that very special circumstances do exist to justify a permission. Whilst each case turns on its own merits such an approach, which includes educational benefits and the provision of housing in the context of a lack of a 5YHLS, has been supported by the Secretary of State in other decisions that are referred to in this report.
- 4.3.185 The proposal would enable the expansion of the primary school which would address an existing unmet need and would provide 167 dwellings, 67 of which would be affordable units, against the context of the Council's 2.2 year 5YHLS thereby providing homes that are desperately needed. Both of these issues merit very substantial weight, which together with the substantial weight attributed to the releasing of further sites allocated in Codicote, the substantial weight afforded to the site's allocation in the ELP and the additional weight attributed for additional community benefits, these are considered to clearly outweigh the harm to the Green Belt and the other harm identified in this report. As such, very special circumstances exist to justify a permission and permission should therefore be granted.
- 4.3.186 An advice note is provided by Counsel, attached to this report at Appendix B, which clarifies that the assessment set out in this report provides a sound basis for granting permission, if members were to agree that the very special circumstances test is met in this case. Members should be aware that this advice note is dated 29th October 2020 and refers to a previous report for this planning application, when it was originally put on the agenda for the Planning Control Committee meeting on 19th November 2020 (before it was removed from that agenda). That previous report, which is similar to this one, is available to view on the Council's website via the following link:

<https://democracy.north-herts.gov.uk/ieListDocuments.aspx?CId=151&Mid=2425>

Officers are of the view that a new note from Counsel is not necessary for this latest report. This is partially because the report checked by Counsel is largely similar to this current report. In addition, since that report was drafted, the ELP examination hearings have taken place and the Inspector has not raised any fundamental concerns regarding the ELP, as outlined in this report above. As such, increased weight can now be put on the allocation of this site in the ELP (compared to the weight attributed in November) and so the 'Very Special Circumstances' are strengthened in this case, compared to the same consideration on November.

5.0 Alternative Options

- 5.1 None applicable (see 'Key issues' section of this report above)

6.0 Climate Change mitigation measures

6.1 This application is accompanied by a 'Sustainability and Energy Statement' by Bluesky Unlimited consultants and dated September 2018. Members will note that this application was submitted before the Council announced a Climate Emergency and so the proposals have been submitted on the basis of the Policy requirements in the ELP and the NPPF.

6.2 Notwithstanding this, there are several aspects of this proposal which are of note, with regard to seeking to mitigate climate change and whilst many of these have already been discussed in this report, these are summarised below:

- Each dwelling with a dedicated and adjacent parking space will include an Electric Vehicle charging point (and the 15 apartments will include x2 EV charging points).
- The site will include for at least one car-club vehicle (intended to be an electric vehicle).
- Substantial contributions towards sustainable transport, including the improvement and expansion of the 315 bus service, making it a more viable option for the village as a whole.
- All dwellings to be provided with secure cycle storage (details to be required via condition).
- The implementation of the submitted Travel Plan, seeking incentives to reduce use of the private car and push towards more sustainable modes of travel.

- Although some hedges will be lost, approximately 180m of hedgerow would be replanted and reinforced within the site.

- Approximately 500 additional trees would be planted throughout the site, including amongst proposed housing, along the road layout and including approximately 0.6 ha of woodland.

- Biodiversity net-gain on site and contributions towards additional net-gains off-site.

- The submission of a 'Landscape and Ecology masterplan' in order to implement and maintain the on-site landscaping and ecology benefits.

- A recommended condition will require that a Site Waste management plan be submitted prior to commencement, in order to reduce waste both during and after construction;

6.3 The Sustainability and Energy Statement outlines that:

- The fabric standards of the buildings exceed the requirements of the Building Regulations and emissions are reduced from the maximum permitted by Part L by 6,576 kg CO₂ per year, which equates to a reduction of 2.45%.

- Reduction in carbon dioxide emissions compared to the maximum permissible by the Building Regulations (Part L) through energy efficiency measures'.

- The water use to each unit will achieve the enhanced standard required by the Building Regulations of 110 litres per person per day.

- 100% of domestic fixed internal lighting to be energy efficient.

- The completed building fabric is to achieve air leakage rates of no greater than 4m³/hr/m² for all units.

- Sanitary fittings will be selected that minimise the consumption of mains water and all dwellings will achieve a water efficiency target of 110 l/p/d
- The surface water disposal strategy proposes a range of sustainable urban drainage (SuDs) techniques including the use of permeable paving, geocellular storage, oversized pipework, swales and filter drainage
- Passive solar gain - The energy required for space heating and lighting can be reduced by using the orientation, form and fenestration to make the most use of passive solar gain. The site layout seeks to set out the majority of homes with either a southeast/northwest, northeast/southwest, north/south or east/west orientation

6.4 Notwithstanding the above, as the submitted Energy and Sustainability statement is now two years old, a further condition will require that this be updated and resubmitted to the Council, whereby the use of sustainable technologies can be reconsidered.

7.0 **Pre-Commencement Conditions**

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

8.0 **Legal Implications**

8.1 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.

9.0 **Recommendation**

9.1 That planning permission is resolved to be **GRANTED** subject to referral to the Secretary of State for Housing and subject to the following:

A) The completion of a satisfactory legal agreement and completion of the associated land transfer 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. Prior to the commencement of the development hereby approved, other than site preparation works, a schedule of the materials to be used on all external elevations and the roofs of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority 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. The development hereby permitted shall not commence until one of the proposed accesses have been constructed to accommodate construction traffic to the minimum standard of base course construction for the first 20 metres and the join to the existing carriageway has been constructed to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

5. Prior to the occupation of any of the dwellings hereby approved located to the south of Codicote Footpath 015, the proposed principal access road offset from the St Albans Road, as defined on in principle drawing number 16208 P201 revision L, will be provided to binder course level to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction. Following completion of construction, the access road will be completed to surface course.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic

6. Prior to the occupation of any of the dwellings hereby approved located to the north of Codicote Footpath 015 the proposed principal access road offset from Heath Lane, as defined on in principle drawing number 16208 P201 revision L, will be provided to binder course level to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction. Following completion of construction, the access road will be completed to surface course.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

7. The gradient of the accesses shall not be steeper than 1 in 20 for the first 12 metres from the edge of the carriageway.

Reason: To ensure a vehicle is approximately level before being driven off and on to the highway.

8. Before the accesses are first brought into use, as defined on drawing 2015/2368/003 revision F, vehicle to vehicle visibility splays of 2.4 metres by 59 metres to both directions shall be provided and permanently maintained to the St Albans Road vehicles access and 2.4 metres by 57 metres to both directions shall be provided and permanently maintained to the Heath Lane vehicles access. Within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway 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: To provide adequate visibility for drivers entering and leaving the site.

9. No part of the development shall be occupied until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for the future management of traffic along the narrow link road that crosses the right of way Footpath 15 between plots 143 and 107 from the northern sector and the southern sector of the site for an appropriate priority give and take arrangement complete with raised tables, traffic signing, pedestrian priority and deterrent parking bollards. The link shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: To ensure satisfactory future management of traffic along the narrow link road and to ensure this part of the estate roads are managed and maintained thereafter to a suitable and safe standard.

10. No part of the development shall be occupied 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 of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

11. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include construction vehicle numbers/routing such as prohibition of construction traffic being routed through any of the country lanes in the area and shall be carried out as approved.

Reason: In the interests of highway safety, amenity and free and safe flow of traffic.

12. Prior to the commencement of development a Construction Method Statement shall be submitted and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Statement.

The Construction Method Statement shall address the following matters:

- a. Phasing plan for the work involving the new access and re-routing of Cowards Lane.
- b. Operation times for construction vehicles.
- c. Construction and storage compounds (including areas designated for car parking).
- d. Siting and details of wheel washing facilities.
- e. Cable trenches.
- f. Foundation works.
- g. Substation/control building.
- h. Cleaning of site entrance and the adjacent public highways.
- i. Disposal of surplus materials.

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

13. Prior to the first occupation of the development hereby approved details of the siting, number and design of secure/covered cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority and the Highway Authority. The approved details shall thereafter be installed prior to the occupation of each dwelling and permanently retained for cycle parking.

Reason: To ensure the provision of cycle parking spaces in line with the Council's adopted standards and to encourage use of sustainable modes of transport.

14. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Surface Water Drainage Strategy carried out by RSK reference 132884-R1(2)-FRA dated 25 September 2018 and supporting information. Unless otherwise agreed in writing. The surface water drainage scheme should include;

1. Implementing the appropriate drainage strategy based on infiltration using appropriate above ground SuDS measures.
2. 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.
3. SuDS features to include deep bore soakaways, permeable paving, detention basins, filter drains and geo-cellular storage.

Reason: To prevent the increased risk of flooding, both on and off site.

15. No development excluding site preparation works shall take place until the final design of the 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 and Surface Water Drainage Strategy carried out by RSK reference 132884-R1(2)-FRA dated 25 September 2018. The scheme shall also include:

1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. 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.
2. All calculations/modelling and drain down times for all storage features.
3. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
4. Incorporate the use of catch pits, interceptors and additional swale features etc. for highway drainage.
5. Silt traps for protection for any residual tanked elements.
6. Details of final exceedance routes, including those for an event which exceeds the 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 the increased risk of flooding, both on and off site.

16. 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;

1. Provision of 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.

17. 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 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: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

18. 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 17.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

19. 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 17 and the provision made for analysis and publication where appropriate.

Reason: The site lies within an area where there is significant potential for archaeological remains and any finds should be retrieved and/or recorded before they are damaged or destroyed as a result of the development hereby permitted.

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

(b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.

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

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

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

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

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

21. Prior to occupation, each dwelling with a dedicated and adjacent car parking space 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

22. Prior to occupation, two Electric Vehicle (EV) ready domestic charging points shall be provided to serve the car parking spaces for the 15 apartment dwellings. One EV charging point shall be installed to serve Plots 1-5 and one EV charging point shall be installed to serve Plots 18-27 (plot numbers as indicated on drawing Site Masterplan Roof Level - ref: 16208 dated 25.07.18.)

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.

23. No development excluding site preparation works shall take place until a revised Energy and Sustainability statement has been submitted to, and approved in writing by, the local planning authority. The approved details shall thereafter be installed prior to the occupation of each dwelling and permanently retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide a sustainable form of development, to reduce the carbon footprint of the development and in order to minimise the impact on Climate change.

24. Prior to first occupation of each relevant dwelling, all the noise mitigation measures for that dwelling detailed in section 5, Table 5.1, Table 5.3 and Figure 3 of the Grant Acoustics report reference GA-2017-0007-R1-RevA dated 26th July 2018 (Noise Assessment for Proposed Residential Development- Land South of Heath Lane, Codicote, Hertfordshire) relating to acoustic trickle vents, acoustic air bricks and fencing specifications shall be fully implemented. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

Reason: In order to protect the residential amenity of future occupiers of the development.

25. During the 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 .

Reason: In order to protect the residential amenities of existing neighbouring and future occupiers of the development.

26. No dwelling hereby permitted shall be occupied unless and until an external lighting strategy has been submitted to and approved in writing by the local planning authority. 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 development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and local amenity.

27. Prior to the commencement of relevant landscaping works landscaping details shall be submitted to and approved in writing by the Local Planning Authority and the details shall include the following:

a) which, if any, of the existing vegetation is to be removed and which is to be retained.

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting.

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed.

d) details of any earthworks proposed, including any retaining walls.

- e) Details of on-site bin/ waste storage for each plot.
- f) details of the planting along the existing Public Rights of Way (Codicote Footpath 15 and Codicote Footpath 14).

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

28. 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.

29. Prior to the commencement of relevant landscaping works a landscape and ecological management plan (LEMP) which details how a minimum of 22.95 ecological units will be delivered on the development site shall be submitted and approved in writing by the local planning authority in consultation with Hertfordshire Ecology. The LEMP should describe the management required to maintain the features proposed within the landscaping plan, and implemented accordingly. This is to enable the LPA to be satisfied the proposed landscaping elements - once established - will be managed in an appropriate manner consistent with maintaining their ecological value. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Description of the species composition of habitats to be created.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for establishment and management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures required to maintain target habitat condition and quality required by approved Biodiversity Impact Calculation score.

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: 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.

30. 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.

31. 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.

32. Before the commencement of any other works on the site, trees to be retained shall be protected in accordance with all of the measures as set out in the submitted 'Arboricultural Impact Assessment & Method Statement' by ACD Environmental and dated 28/08/2018. In addition. No building materials shall be stacked or mixed within 10 metres of a 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.

33. In accordance with drawing number 2015/2368/014 Rev E hereby approved, Footpaths 14 and 15 will be provided at a width of no less than 4 metres for their entire length within the boundaries of the site area. The 4 metre width will include a 2 metre wide path with 1 metre wide strip of landscaping either side.

Reason: To ensure that the footpaths are of a sufficient width and are retained for proper use for pedestrians and cyclists.

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended the garages approved as part of this permission will be retained for the parking of vehicles and will not be converted to any other use 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.

35. Prior to the commencement of the relevant part of the development hereby approved, full details of the pumping station, sub-station buildings and enclosures located at the north-western corner of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that development is implemented as approved.

36. Prior to first occupation of the development hereby approved 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 facilitate refuse and recycling collections.

37. Prior to the commencement of development a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Waste Planning Authority. The SWMP shall demonstrate how waste which arises both during and after construction will be reduced. The development shall be carried out in accordance with the approved details.

Reason: To seek to reduce waste from the site, both during and after construction, in accordance with Policies 1, 2 and 12 of the adopted Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document 2012.

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.

Informative/s:

1. 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.

Roller shutters on bin stores can be considered to save space however the additional noise impacts should be considered.

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.

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.

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

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. Pull distances to the collection vehicle should not exceed 15m in accordance with BS5906:2005.
2. 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.

It is noted that in many areas residents are expected to pull bins past parking bays. This is not recommended and often leads to bins being left out on the pavements or grassed areas.

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

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.

For infill applications consideration should be given to parking arrangements alongside or opposite the access to the site. If car parking is currently permitted the consideration of parking restrictions may be required to ensure access is not inhibited.

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.

3. Construction standards for works within the highway: 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 38/278 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 website <https://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.
4. It is advisable that all internal roads could be designed and built to adoptable standards.
5. Prior to commencement of the development the applicant is advised to contact the North Herts Highways Network Team [NM.North@hertfordshire.gov.uk] to arrange a site visit to agree a condition survey of the approach of the highway leading to construction access 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 considering the structural stability of the carriageway. The County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.
Rights of Way
6. Before commencement of the proposed development, the applicant shall contact Hertfordshire County Council's Rights of Way Service <http://www.hertfordshire.gov.uk/services/envplan/countrysideaccess/row/> (Tel: 0300 123 4047, email at row@hertfordshire.gov.uk) to obtain their requirements for the ongoing maintenance of the surface of the Public Right of Way that routes through the site and along the proposed development access.
Reason: To ensure the surface of the Public Right of Way does not deteriorate as a result of an increase in vehicle movements using the access, in the interests of pedestrian safety on a Public Right of Way.

7. The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works.
The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times.

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 overflows of cement & concrete) should be made good by the applicant to the satisfaction of this Authority. All materials should be removed at the end of the construction and not left on the Highway or Highway verges.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

8. The requirement as part of the offsite s278 works is to extend the existing speed limit along Heath Lane to the west direction. The details of the Speed Limit Order should be included as part of the s278 drawing as part of the required highway work in conjunction with the development.
9. The offsite s278 works includes extending the footway along Heath Lane from the new development junction and providing a new bus stop, shelter and real time passenger information along Heath Lane located opposite the new development.
As a requirement of the section 106 agreement the bus stops along the High Street are required to be upgraded fully to Accessibility Act-compliance in order to maximise accessibility of the site. The bus stops will need to be upgraded with easy access kerbs (shelters may not be appropriate and real time passenger information to be secured the section 106 agreement This will need to be agreed in conjunction with appropriate parties as alluded to in the s106 section of this response.
10. Minimum standards regarding the maintenance of the Public's rights and safety during and after construction.
 - o The Public Rights of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works.
 - o The safety of the public using the route and any other routes to be used by construction traffic should be of paramount concern during works, safe passage past the site should be maintained at all times.
 - o The condition of the routes should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overflows of cement & concrete) to be made good by the applicant to the satisfaction of this Authority.

o All materials to be removed at the end of the construction and not left on the Highway or Highway.

If the above conditions cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

11. In the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.
12. The proposed tanks are shown to be located within private curtilage and serving multiple properties. As the system is serving more than one property, the lack of maintenance would affect several properties. We would recommend appropriate arrangements are made for easy access or ensure that appropriate management arrangements will be put in place for future maintenance. Management arrangements should include the need for easements, information on how the assets will be protected and ensure there is no future modification of the drainage asset. This information should be provided to ensure that the assets are secured and future buyers are aware of the proposed drainage features and their functions through covenant on property sales.
13. The applicant contacts Hertfordshire Constabulary Crime Prevention Design Service with the intention to achieve full SBD accreditation for this development.
14. Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk/wastewaterquality.

15. With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. 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>
16. The ground gas monitoring investigation should be based upon the guidance in CIRIA C665. It is, however, required that a minimum period of nine (9) months of landfill gas monitoring shall be undertaken and that it utilises all of the existing ground gas monitoring installations on the application site. This is necessary to ensure that the monitoring coincides with periods of falling atmospheric pressure and so that a full range of weather and ground conditions are encountered.
17. EV Charging Point Specification:
Each 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>

10.0 **Appendices**

10.1 Appendix A - Note from HCC Growth and Infrastructure Unit

10.3 Appendix B - Advice note from Counsel

10.4 Appendix C(i) - Draft s106 Legal agreement
Appendix C(ii) - Associated Draft Heads of Terms of Land Transfer Agreement