



Appeal Decision

Site visit made on 7 September 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/X1925/W/21/3269379

Land at Oakleigh Farm Industrial Estate, Codicote Road, Welwyn AL6 9TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kevin McBride (Blackshu Ltd) against the decision of North Hertfordshire District Council.
 - The application Ref 20/00598/FP, dated 11 March 2020, was refused by notice dated 11 February 2021.
 - The development proposed is demolition of all existing buildings and structures. Change of use of western section to residential, comprising the erection of seven new detached dwellings with associated detached garages, parking and amenity areas. Change of use of eastern section to paddock. Upgrade existing access road.
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Decision

1. The appeal is allowed and planning permission is granted for 'demolition of all existing buildings and structures. Change of use of western section to residential, comprising the erection of seven new detached dwellings with associated detached garages, parking and amenity areas. Change of use of eastern section to paddock. Upgrade existing access road' at Land at Oakleigh Farm Industrial Estate, Codicote Road, Welwyn AL6 9TY in accordance with the terms of the application, Ref 20/00598/FP, dated 11 March 2020, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The appeal site straddles the boundary between North Hertfordshire District Council and Welwyn Hatfield Borough Council and consequently two applications were submitted. Both applications were refused, and I have considered the current appeal alongside that relating to Welwyn Hatfield Borough Council.
3. The Council cites policies from the emerging North Hertfordshire Local Plan 2011-2031 (the emerging Local Plan) in its decision notice, however given the stage of preparation it could be subject to further modification. Accordingly, I have afforded these policies limited weight.
4. Since the appeal was submitted, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties were given the opportunity to comment on any implications for the appeal of this change, and I am satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework

Main Issues

5. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and,
- the effect of the proposal on the character and appearance of the area; and,
- whether a planning obligation for financial contributions towards local infrastructure and services is necessary to make the proposal acceptable in planning terms.

Reasons

Inappropriate development

6. The appeal site is located in the Green Belt. The Framework in paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It outlines that the construction of new buildings, other than in connection with a small number of exceptions set out in paragraph 149, should be regarded as inappropriate development.
7. Saved Policy 2 of the North Hertfordshire District Local Plan 1996 (the District Plan) pre-dates the Framework and is not consistent with the list of exceptions set out in the Framework. This limits the weight that I attach to Policy 2. I have therefore proceeded on the basis of the approach set out in the Framework.
8. The appellant draws attention to the exception set out in paragraph 149(g) [previously paragraph 145(g)] of the Framework, which concerns the limited infilling or the partial or complete redevelopment of previously developed land, providing that it would not have a greater impact on the openness of the Green Belt than the existing development. According to the Framework¹, previously developed land comprises land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This definition excludes, amongst other things, land that is or was last occupied by agricultural or forestry buildings.
9. The officer's report sets out that the appeal site includes a range of commercial buildings not in agricultural use and so the land west of the proposed paddock is previously developed land. I see no reason to take a different view.
10. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects. The information before me shows that the proposal would reduce the footprint of built form on the site by around 23 square metres (1.92%). Whilst there would be some changes to siting, the proposed dwellings and gardens would be positioned near to the area currently occupied by buildings and open storage. I acknowledge that there would be a sizeable increase in floorspace of around 34.5%, however this is due to the accommodation contained within the roof space of the dwellings. The proposed

¹ See 'Annex 2: Glossary' – the National Planning Policy Framework

dwelling would be of modest scale and the first floor accommodation would be served by small dormer windows and rooflights. Consequently, the proposed development would result in a minor increase in built volume of around 118 cubic metres (2.3%). Having regard to the above factors, overall, the siting and scale of the proposed development would not result in a spatial loss of Green Belt openness.

11. Whilst the proposed development would generate a degree of traffic and activity, this would not be materially greater than that associated with the existing commercial use of the site. The proposed development would lead to parked cars and domestic paraphernalia associated with residential gardens, however this would largely be contained to areas that are currently used for parking and open storage. Furthermore, the unsightly area of open storage in the north-eastern corner of the site would be changed to an open grassed paddock, which would be beneficial to the visual openness of the Green Belt and reduce encroachment into the countryside. Given that the land is within the appeal site, I am satisfied that this could be secured through a planning condition.
12. I appreciate that the domestic appearance of the proposal would result in a degree of visual change, however given the low-rise, modest scale of the proposed dwellings I do not consider that this would diminish the openness of the Green Belt. The proposed soft landscaping and extensive planting around the boundaries would provide more greenery to soften the appearance of the site and restrict views of the buildings, access road and gardens in the surroundings. Therefore, I do not find that the proposal would result in a visual loss of Green Belt openness.
13. For the above reasons, I find that the proposal would meet the exception in paragraph 149(g) of the Framework, which requires that redevelopment of previously developed land would not have a greater impact on the openness of the Green belt than the existing development. The proposal therefore would not constitute inappropriate development in the Green Belt when assessed against the Framework. Furthermore, the proposed development would not encroach into the countryside and therefore would not conflict with the purposes of including land in the Green Belt.

Character and appearance

14. The appeal site is located behind residential properties and commercial units in Codicote Road and lies in a rural setting outside the village of Codicote. The appeal site contains a range of commercial buildings, including large areas of hard-surfacing and open storage. The utilitarian appearance of the existing buildings and the unsightly open storage, plant and parking in the outside areas appears incongruous in the surroundings and detracts from the character and appearance of the area. This includes a large area of open storage, which has limited screening, and visually encroaches into the countryside to the north-east.
15. The change of use of the open storage to an open grassed paddock at the north-eastern end of the site would provide a significant visual enhancement and reduce encroachment of development into the countryside. The amount of proposed built form would be similar to the existing development, and the traditional design approach would provide an acceptable appearance. The low-rise, modest scale of the proposed dwellings, along with the spacious layout,

would respect the rural character of the area. Furthermore, the proposed soft landscaping and extensive new planting around the site boundaries would be visually beneficial due to the greenery and the screening that would be provided to the proposed dwellings and gardens. Whilst the domestic appearance of the site would result in a degree of visual change, the development would appear discreet in the surroundings due to the modest scale of the dwellings and the new planting. It would also be seen in context of other residential properties nearby.

16. For these reasons, I find that the proposal would maintain the character and appearance of the area. It would therefore accord with Policy 57 of the District Plan and Policies SP1 and D1 of the emerging Local Plan, which, amongst other things, state that housing proposals should achieve high standards of design and relate to and enhance their site and surroundings. The proposal would also accord with Chapter 12 of the Framework, which, amongst other matters, states that decisions should ensure that developments are visually attractive and sympathetic to local character; and paragraph 174 which states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Infrastructure

17. Whilst not a matter raised by the Council, Hertfordshire County Council seeks financial contributions towards primary education (the expansion of Codicote Primary School), secondary education (the expansion of Monks Walk Secondary School), library services (the enhancement of services at Welwyn Library) and youth services (alterations to the Welwyn Garden City Young Peoples Centre. It also seeks provision of fire hydrants. Hertfordshire County Council's (HCC) Planning Obligations guidance – Toolkit for Hertfordshire (2008) sets out a tariff for calculating such contributions, as shown in Table 2 of the document (index linked to PUBSEC 175).
18. HCC states that education contributions are calculated using its Census-based model which forecasts the number of children likely to emerge from different types, sizes and tenures of dwellings. HCC states that the Census-based model indicates that on a long-term average there will be an additional 2.3 primary school aged children residing within the proposed development at any point in time. It is also estimated that there will be a peak of 3.8 primary school aged children. The long-term average figure is used to calculate the impact on permanent school places and therefore is linked to the costs of permanent school extension.
19. HCC comments that forecast demand is calculated on the basis of primary education planning areas, and although the appeal site falls into the Welwyn primary planning area, the closest school is Codicote C of E Primary School, which is within the Codicote primary planning area at approximately 1.2 miles walking distance. The forecast primary school capacity shown in paragraph 4.9 of HCC's statement shows a surplus of spaces in 2020-21 & 2023-24 and a shortfall in 2021-22 & 2022-23.
20. Having regard to the fluctuation in forecast capacity and the small amount of additional primary school places that would be generated by the proposal, I am not persuaded the evidence shows that the proposal would result in a need for additional primary school capacity. Furthermore, whilst Codicote C of E Primary

School is closest to the appeal site, Welwyn St Mary's C of E Primary School is located around 1.4 miles to the south, which would provide an alternative for future residents of the proposed development. There is no information before me to show the forecast capacity of that school. As such, the evidence does not demonstrate that a financial contribution is necessary to make the development acceptable in planning terms.

21. HCC states that their Census-based model indicates that on a long-term average there will be an additional 2.1 secondary school aged children residing within the proposed development. Further, families living in Codicote and north of Welwyn predominantly look to Welwyn Garden City for secondary schools, and secondary demand is rising in Welwyn Garden City with the latest forecast indicating a need for additional places across the town in future years to meet demand. Nevertheless, the evidence before me does not show up to date forecast capacity of secondary schools in the area, and the amount of additional secondary school places generated by the proposed development would be small. Accordingly, it has not been demonstrated that a financial contribution is necessary.
22. Regarding youth provision, HCC states that their Census-based model estimates 2.2 additional young people may reside in the proposed development. Welwyn Garden City Young People's Centre is the closest young people's centre to the appeal site. HCC states that the additional young people arising from the proposed development would result in the facility being over capacity and contributions are therefore justified in order to fund additional provision. Funding would be used to improve and extend the entrance area of Welwyn Garden City Young People's Centre in order to increase access. However, there is no substantive evidence before me that the proposal would result in the Centre being over capacity.
23. In respect of library provision, HCC states that funding would be used towards the enhancement of Welwyn Library by installing a smaller enquiry desk to create additional capacity. Whilst I note the existing usage of stock at Welwyn Library compared to other libraries in the same category, I am not convinced that this information indicates a requirement for additional capacity. Furthermore, the evidence before me does not indicate the demand that would directly arise from the future residents of the proposed development. Based on the submitted evidence and having regard to the small amount of proposed dwellings, I find that it has not been demonstrated that a financial contribution is necessary.
24. I am satisfied that a scheme for the provision of mains water services providing fire hydrants could be secured through the imposition of a planning condition rather than requiring a planning obligation.
25. HCC has referred to various appeal decisions supporting their views as to compliance of infrastructure obligations with the Community Infrastructure Regulations 2010 as amended (the CIL Regulations) and policy. However, the obligations have to be considered on their particular planning merits and inevitably, outcomes will vary because every development proposal will be different in nature and planning policy context. Supporting evidence on infrastructure needs will also vary.
26. For the above reasons, I conclude that a planning obligation for financial contributions towards local infrastructure and services is not necessary to make

the proposal acceptable in planning terms having regard to the statutory tests in Regulation 122 of the CIL Regulations. The proposal would therefore accord with Policy 51 and Policy SP7 of the emerging Local Plan which require development proposals to make provision for infrastructure that is necessary in order to accommodate additional demands resulting from the development.

Other Matters

27. I have had regard to the representations from local residents which raise various concerns. The south-western elevation of the dwelling on Plot 7 would include a first floor dormer window and rooflight which would face the rear gardens of properties in Codicote Road. Nevertheless, these windows would serve non-habitable rooms which, together with the degree of separation to the boundary, would ensure that there would not be an unacceptable level of overlooking into neighbouring dwellings and their gardens. The windows in the south-eastern elevation of Plot 7 would be roughly perpendicular to the neighbouring properties in Codicote Road and so they would only afford oblique views towards the neighbouring properties. Given the large separation distance and the screening provided by the boundary vegetation, the habitable windows and raised terrace of Plot 7 would not cause an unacceptable loss of privacy to neighbouring occupiers.
28. The Lead Local Flood Authority has raised no objection regarding drainage and flood risk. Details of the final design of the drainage scheme based on the submitted Flood Risk Assessment could be secured by planning condition.
29. The proposal is a small scale development and there is no substantive evidence before me that the proposal would adversely affect sewerage infrastructure. Matters relating to power supply and broadband connection are not within my jurisdiction.
30. A planning condition to require the submission of a Construction Management Plan for approval could be imposed to minimise the impact of construction works on the surrounding area. Details of external lighting could be secured through a landscaping condition to ensure that the design of the scheme would minimise light pollution.
31. There is no substantive evidence before me that the proposed development would adversely affect or restrict access to the driveway of No 85 Codicote Road. Issues relating to private rights of access are a civil matter.

Planning Balance

32. There is no dispute that the Council is unable to demonstrate a deliverable 5 year housing land supply. The appellant indicates that the supply stands at 2.2 years, which is a significant shortfall. In these circumstances, the most important policies for determining the appeal are out-of-date in accordance with footnote 8 of the Framework.
33. Paragraph 60 of the Framework sets out the Government's objective of significantly boosting the supply of housing. In the context of the significant shortfall in housing supply, the proposed development would provide a contribution of 7no dwellings, making efficient use of previously developed land. Small sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, as indicated in paragraph 69 of the Framework. It would create some employment

at the construction stage, and the occupiers of the proposed dwellings would help to support local facilities and services. The proposal would also provide environmental benefits through the provision of soft landscaping and new planting.

34. I have found that the proposal would not be inappropriate development in the Green Belt and would not conflict with the purposes of including land within it. Furthermore, the proposal would maintain the character and appearance of the area. The proposed development would accord with the Development Plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding.

Conditions

35. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
36. In order to maintain the character and appearance of the area, I have imposed conditions relating to details of the external materials of the dwellings, landscaping, tree protection and land levels. The landscaping condition is also necessary to provide ecological enhancements and protect the openness of the Green Belt.
37. In the interests of highway safety, I have imposed conditions requiring that the proposed access arrangements are provided, and to require the submission of a Construction Management Plan for approval. A condition to require details of the proposed arrangements for future management and maintenance of the streets within the development is necessary to ensure that the roads are managed and maintained to a suitable standard. A condition to require the submission of a Site Waste Management Plan is necessary to minimise waste generation and maximise the reuse and recycling of waste materials. A condition relating to unexpected land contamination is necessary to ensure that risks to the future users of the land and neighbouring land are minimised, together with those to controlled waters and ecological systems. A condition requiring the submission of the final design of the drainage strategy is necessary to reduce the risk of flooding and ensure the satisfactory disposal of surface water from the site.
38. Conditions to remove permitted development rights for enlargement of the dwellings under Schedule 2, Part 1, Class A and Class B of the Town and Country Planning (General Permitted Development) Order 2015, and to require the provision of the paddock, are justified to protect the openness of the Green Belt.
39. A condition requiring the provision of electric vehicle charging points is necessary in the interests of the environment and to reduce carbon emissions.
40. In the interests of the living conditions of future occupiers, a condition to require the mechanical ventilation with heat recovery system to comply with the standard specified in the submitted noise assessment is necessary.
41. A condition requiring a detailed scheme for the provision of mains water services providing fire hydrants is necessary to ensure that the development would be appropriately served by such facilities.

42. Conditions relating to materials, landscaping, land levels, drainage scheme and fire hydrants are pre-commencement conditions in the interests of proper planning and to avoid potentially abortive works. Furthermore, in the interests of highway safety during construction works it is necessary for the Construction Management Plan to be submitted and approved before the commencement of works. The Site Waste Management Plan is a pre-commencement condition because it relates to construction activities. Furthermore, tree protection requires a pre-commencement condition because the carrying out of works without prior agreed methods could cause harm to retained trees.

Conclusion

43. For the reasons given above, I conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR

Schedule of conditions

- 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:-

2019/942/01E; 2019/942/02F; 2019/942/03F; 2018/942/04; 2018/942/05; 2018/942/06; 2018/942/07; 2018/942/08; and, Landscape Mitigation Plan.
- 3) No development (except demolition) shall commence until details and/or samples of materials to be used on all external elevations of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The proposed development shall be carried out in accordance with the approved details.
- 4) No development (except demolition) shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The details shall be based on the submitted Landscape Mitigation Plan, and include:
 - planting plans and written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
 - a scheme of ecological enhancements;
 - means of enclosure;
 - boundary treatments;
 - vehicle parking layouts;
 - other vehicle and pedestrian access and circulation areas;
 - hard surfacing materials;
 - drainage details;
 - external lighting; and,
 - an implementation and maintenance programme.

The landscaping works shall be carried out in accordance with the approved details and in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 6) Prior to occupation of the development hereby permitted, the use of the land for open storage shall cease and the proposed paddock shall be provided in accordance with the approved plans. The paddock shall be retained at all times thereafter and shall not be used for any other purpose.

- 7) No development (except demolition) shall commence until details of the existing and proposed ground levels and finished floor levels of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with these approved details.
- 8) Prior to occupation of the development hereby permitted, each dwelling shall incorporate an electric vehicle domestic charging point.
- 9) Prior to occupation of the development hereby permitted full details shall 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).
- 10) Prior to occupation of the development hereby permitted the existing access from Codicote Road shall be re-constructed 5.50 metres wide with 6.0 metre radii kerbs as identified on drawing number B02913-SWH-ZZ-XX-DR-C-0510-P02, the footway leading from the development shall extend to south side of the reconfigured access for a minimum distance of 10 metres and shall include for pedestrian dropped kerbs and tactile paving and corresponding dropped kerbs and tactile paving opposite on the existing Codicote Road. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and shall be secured and undertaken as part of the s278 works.
- 11) Prior to occupation of the development hereby permitted the existing access road from the Codicote Road shall be improved and re-constructed 5.50 metres wide as identified on drawing number 2019/942/02F and the internal road layout shall be complete as identified on drawing number 2019/942/03F.
- 12) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
 - a. Construction vehicle numbers, type, routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;

- h. Provision of sufficient on-site parking prior to commencement of construction activities;
 - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- 13) No development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan as approved shall be implemented throughout the demolition and construction period.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement to the dwellings hereby permitted under Schedule 2, Part 1, Class A or Class B of the Order.
- 15) Prior to occupation of the development hereby permitted, the Mechanical Ventilation with Heat Recovery system and glazing shall be installed in each dwelling in accordance with the specification set out in "Noise Assessment, Oakleigh Farm..." Report reference RP01-19338, dated 30 August 2019 by Cass Allen Associates. The scheme shall be retained in accordance with those details thereafter.
- 16) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is also subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. All remediation works shall be carried out in accordance with the approved scheme before any dwelling hereby permitted is first occupied.
- 17) The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment, reference B02913 Rev 02, dated August 2020 prepared by Scott White and Hookins and all supporting information and the following measures:
- 1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
 - 2. Undertaking appropriate drainage strategy based on infiltration and to include permeable paving and soakaways.
- 18) No development (except demolition) shall commence 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, reference B02913 Rev 02, dated August 2020 prepared by Scott White and Hookins, dated 18 September 2020. The scheme shall also include:

1. Detailed infiltration testing be carried out pre-commencement in accordance with BRE Digest 365 standards at the proposed locations and depths of all SuDS features.
2. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
3. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features.
4. Provision of half drain down times within 24 hours.
5. Silt traps for protection of any residual tanked elements.
6. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
7. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

The drainage scheme shall be fully implemented prior to occupation.

- 19) Prior to occupation of the development hereby permitted, a management and maintenance plan for the SuDS features and drainage network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of a complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

The management and maintenance plan shall be implemented thereafter.

- 20) No development (except demolition) shall commence until a detailed scheme for the provision of mains water services providing fire hydrants has been submitted to and approved in writing by the Local Planning Authority. No occupation of the development shall take place until the approved scheme for the provision of mains water services providing fire hydrants has been provided in full. Thereafter the fire hydrants shall be retained as approved in perpetuity.