

<u>Location:</u>	Land Adjacent to Oaklea and South Of Cowards Lane Codicote SG4 8UN
<u>Applicant:</u>	-
<u>Proposal:</u>	Outline application for a residential development for up to 83 dwellings (all matters reserved except access) (as amended by plans and documents received 4th January 2019 and 21st January 2022).
<u>Ref. No:</u>	17/01464/1
<u>Officer:</u>	Naomi Reynard

Date of expiry of statutory period: 30th September 2022

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
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(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 Relevant History

1.1 16/02750/1PRE - Residential development to provide up to 88 dwellings (C3) – Response provided.

1.2 17/00975/1SO - Screening Opinion: Proposed outline application for residential development of up to 88 dwellings (all matters except access reserved) – Decision: Environmental Impact Assessment not required. (26.05.2017)

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

2.2 National Planning Policy Framework

Section 2: Achieving sustainable development

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 13: Protecting Green Belt land

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

2.3 **Emerging North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission (ELP)**

The Council's Emerging Local Plan (ELP) was submitted for Examination in 2017. This is ongoing. Hearings have been completed and the Inspector's Final Report is awaited. 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 (ELP) as an allocated housing site under Policy CD1 and the ELP proposes the whole site be removed from the Green Belt for development and incorporated within the settlement boundary of Codicote. This policy also contains detailed policy criteria for consideration in the determination of any relevant applications for planning permission, which are copied below for reference:

“Policy CD1 - Land South of Cowards Lane – Dwelling estimate – 73 dwellings

- ***Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery;***
- ***Sensitive integration into existing village, particularly in terms of design, building orientation and opportunities for cycle and pedestrian access;***
- ***Appropriate solution for expansion of Codicote Primary School to be secured to accommodate additional pupils arising from this site;***
 - ***Contribution towards expansion of Codicote Primary School;***
- ***Transport Assessment to consider the cumulative impacts of sites CD1, CD2, CD3 and CD5 on the village centre and minor roads leading to/from Codicote and secure necessary mitigation or improvement measures;***
- ***Sensitive design, particularly at north-east of site, to prevent adverse impact upon setting of Listed Buildings on High Street;***
- ***Preliminary Risk Assessment to identify any contamination associated with previous uses including mitigation;***
- ***Consider and mitigate against potential adverse impacts upon Hollards Farm Meadow Local Wildlife Site and adjoining priority woodland habitat.”***

2.4 Hertfordshire County Council

Local Transport Plan (LTP4 – adopted May 2018)

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

2.5 National Planning Practice Guidance

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

2.6 Draft Neighbourhood Plan

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

3.0 Representations

3.1 Codicote Parish Council

In comments dated 8th February 2021 Codicote Parish Council confirmed that it continues to object to this planning application for the reasons previously reported. They also do not concur with the Transport Assessment having no significant impact on the highway. Residents are already experiencing long delays at this location and therefore the conclusion of the report cannot possibly be correct. Original objection set out in comments received 18th July 2017:

“1)Guidance required from NHDC to provide help to Parish Councils on how to deal with outline planning applications prior to Local Plan

2)Traffic survey appears flawed as it suggests there will be no significant increase during rush hours

3)Impact on junction is understated and does not take into account other potential sites and local knowledge

4)General infrastructure is already overstretched

5)Totally opposed to any development on Green Belt land

6)Outline planning is premature as not yet known if Local Plan will be approved by Inspector

7)This site is still within the Green Belt

8)Difficult to consider in isolation to other 4 sites in Codicote

9)If the Local Plan is approved, the impact of all the sites should be considered in conjunction

10)Although Codicote is Category A and is required to supply facilities for surrounding villages - we are already overstretched and lack doctors, dentists, library etc

11)Lack of school capacity - any proposed expansion of the school is contingent on all 5 sites in the Local Plan being brought forward

12)Electricity - more power failures experienced due to overloading”

3.2 Hertfordshire County Council (Highways):

Does not wish to restrict the grant of permission subject to conditions and informatives. Requested the following s106 contributions (index linked) – £158,721 sustainable transport contribution, £117,500 towards the enhanced bus service, a travel plan and £6,000 Residential Travel Plan evaluation and support contribution. The Highways Authority amended their comments following re-consultation and these included amended conditions and s106 contributions. The upgrading of the bus stops would now be secured by condition rather than as a s106 contribution.

3.3 Hertfordshire Ecology

Provided several sets of comments. In their most recent response, they concluded as follows:

“I have no reason to object to the principle of development on ecological grounds. I also consider that BNG is achievable although the metric should be revised to demonstrate a minimum of 10% BNG can be achieved, and the hedgerow figures revised to clarify the apparent anomaly. This should be achieved as a Condition of approval.”

Previously recommended conditions to requiring a Landscape and Ecology Management Plan, soft-felling of the Oak tree identified with low bat roosting potential if it is proposed for removal, a reptile survey prior to removal of any part of the hedgerows and a Roman Snail survey. They also recommended informatives in relation to nesting birds, badgers, reptiles and Great Crested Newts and wildlife friendly lighting (external lighting scheme).

Requested offsite Biodiversity Net Gain s106 contribution £42,620 at £12k/BU.

3.4 Herts and Middx Wildlife Trust

Maintains its objection until the metric has been updated, the habitat units to be delivered onsite and offsite agreed, a transparent delivery mechanism and plan has been approved, and the ELP requirement for 12m of complimentary buffer habitat to hedges has been applied.

3.5 Lead Local Flood Authority

Initially the LLFA raised objections. Further information was submitted, and these objections were subsequently overcome; and they recommended conditions. However, following further re-consultation they raised objections as they have some concerns over the discharge location and surface water flooding in the wider area based on the updated Environment Agency surface water flood maps. A revised Flood Risk Assessment and further information was requested and received, however the LLFA maintained an objection. The applicant submitted a response from their drainage consultant following the LLFA's comments. The LLFA were reconsulted. Based on the latest information they have confirmed that they are now able to remove their objection subject to recommended conditions.

3.6 Waste and Recycling Services

Recommended conditions in relation to vehicle movements/road construction and management arrangements

3.7 Landscape and Urban Designer

Provided comments on the application as originally submitted and illustrative layout for up to 88 dwellings. The realignment of the road/access will require the loss of some vegetation which should be kept to a minimum. Replacement vegetation should be considered to ensure the verdant character of this part of Codicote and Cowards Lane in particular endures. Considered that the number of dwellings needs to be reduced to take into account the edge of village location and the need to provide a landscape structure for the scheme that includes a hierarchy of open space together with SuDS and play areas. Concluded as follows:

“Although I have no objection to the proposed new vehicular access there are a number of issues which should be addressed as part of any detailed application for the site:

- i) A layout that reflects the edge of village location in terms of design and density;***
- ii) The need to reduce the amount of hard surfacing and the creation of a hierarchy of roads and lanes;***
- iii) The distribution of open space, location of SuDS and play area (LEAP) within the development to create a hierarchy;***
- iv) A landscape structure planting scheme, both internal and for the boundary, to create character and a sense of place for the development that reflects its village location;***
- v) LVIA – a landscape and visual impact assessment should be carried out;***
- vi) Opportunities for pedestrian permeability within the scheme and links for pedestrians and cyclists into the village centre and to other amenities;***
- vii) Heights of dwellings should be limited to 2 storeys;***
- viii) A range of building types but the design of all dwellings should reflect the village location.”***

3.8 Environmental Health (Noise)

Recommended condition that noise assessment prior to commencement of development, condition regarding hours during demolition and construction and full details of a construction and phasing and environmental management programme to be submitted. Recommended informative regarding code of practice for noise control.

3.9 Environmental Health (Contaminated Land)

Recommended land contamination condition, as investigation into potential contamination on land at the site, is required.

3.10 Environmental Health (Air Quality)

No objections. Recommended Travel Plan condition and EV recharging infrastructure condition and informative

3.11 Historic Environment Team (Archaeology)

Initially raised objection as required investigations should be undertaken predetermination. Following receipt of an archaeological trial trench evaluation report – they commented that investigations suggest that the archaeological potential of the site is low and it is unlikely to contain any heritage assets. Note that a Heritage Impact Assessment and Archaeological field evaluation (Heritage Network) were previously carried out on this site, the results of which demonstrated low archaeological potential.

3.12 HCC Fire and Rescue Services

Based on the information provided to date would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. (Note this is now required by condition as per advice from the Water Officer.)

3.13 The Water Officer, Hertfordshire County Council

Recommended a condition for the provision and installation of fire hydrants, at no cost to the County or Fire and Rescue Service.

3.14 HCC Minerals and Waste Team

Recommend Site Waste Management Plan be required – can be secured by condition.

3.15 Environment Agency

No response received. In April 2021 the Environment Agency introduced a checklist for when to consult them on planning applications. This application does not meet any of the criteria on the checklist.

3.16 Thames Water

With regard to surface water drainage, Thames Water advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Thames Water would advise that with regard to foul water sewerage network infrastructure capacity they would not have any objection to the planning application, based on the information provided. Recommend informative, as the proposed development is located within 15m of their underground waste water assets.

3.17 Thames Water – Buildover

Advised developer will need to approach them for a pre-planning application. Their sewer records don't indicate any shared drainage within the site, but there may be newly transferred sewers that they haven't yet mapped and aren't aware of. If the site owner finds shared drainage, the sewers may need to be diverted. This is covered by an informative.

3.18 **Affinity Water**

Provided comments with regards to water quality, water efficiency and infrastructure connections and diversions which will be recommended as informatives.

3.20 **Anglian Water**

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

3.21 **CPRE Herts**

Objection on the following grounds. The application is premature and the granting of planning permission would prejudice the Local Plan process through which the decisions on how much, and which, land should be taken out of the Green Belt to meet the needs for development, must be taken first. The application is contrary to both national and adopted local plan policies for development in the Green Belt. It is for the applicant to demonstrate that the factors they claim are 'very special' outweigh the harm caused, including the harm to the Green Belt from being inappropriate. The applicant has not done so in this case. Fundamentally this proposal constitutes encroachment into the Hertfordshire Green Belt countryside, directly contrary to four of the five stated purposes of the Green Belt as set out in paragraph 80 of the NPPF.

3.22 **Service Manager, Greenspace**

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

3.23 **Housing Supply Officer**

Confirmed that based on the provision of 83 units, the council's affordable housing requirement is 40%, which equates to 33 units. Detailed the mix required. Provided guidance on the provision of the affordable housing. Commented that in June 2021 the Government introduced a policy requiring 25% of affordable housing provided to be First Homes, although there are transitional arrangements in place. Eight of the intermediate affordable housing units could be delivered as First Homes to meet this requirement.

3.24 **HCC Growth and Infrastructure Team**

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

NHS East and North Hertfordshire Clinical Commissioning Group

Originally requested s106 contributions towards GMS (GP Provision), mental health and community costs and acute costs, but only the request for GP Provision meets the

criteria. S106 contributions towards GMS GP provision requested - £58,747.67 – reconfiguration and expansion of Bridge Cottage Surgery (Welwyn).

3.25 Neighbours and local residents

The application has been advertised via neighbour notification letters, the display of site notices and a press notice. At the time of finalising this report, a total of 146 representations have been received (running total can be viewed on the Council's website). Only one representation was in support. Consultations were carried out in 2017 and then in 2019 (following receipt of amended plans a reduction in unit numbers) and in 2022 (following receipt of amended plans).

Of the objections, these include representations submitted by Maze Ltd Planning Consultants on behalf of the neighbours at Hollards Farm and a number of other local residents of Codicote. One of these letters was accompanied by reports from various specialists including: GWP Consultants Technical Concerns on water-related issues, Cannon Consulting Engineers Highways and Transport Review and David Wilson Partnership – Assessment of Landscape Impacts. The representation also included copies of a Court of Appeal Judgement and appeal decision and copies of the representations relating to the consultation report on the submission version of a replacement North Herts District Local Plan 2011-2031 and in particular, with reference to the proposed release of land south of Cowards Lane, Codicote for a development of up to 73 residential units (Site Reference CD1).

These letters and reports, along with all representations made, are available to view in full on the Council's website

The objections and issues raised are summarised as follows:

Green Belt / Emerging Local Plan

- Loss of green belt/countryside. Proposal in conflict with at least three of the main purposes of designating Green Belts, as set out in the NPPF.
- Irrevocable harm to the openness and permanence of the Green Belt.
- Inappropriate development in the Green Belt
- There are no very special/exceptional circumstances that should permit development.
- Loss of beautiful countryside
- Erode the boundary between Welwyn and Codicote – urban sprawl – would be difficult to stop developments of Codicote and Welwyn merging together in due course.
- Loss of high grade agricultural land.
- Submitted appeal decisions that indicate that lack of 5 year land supply and consistency with the proposed new planning policies in the ELP are not necessarily held to be very special circumstances.
- Substantial weight must be given to the harm to the openness, visual amenities and rural character of the Green Belt.
- Brownfield sites in Codicote and in local towns should be developed before Green Belt is built on.
- Should consider purpose built new town or garden village(s)/town(s)/settlement(s) elsewhere in North Herts, in preference to large scale expansion of villages (as proposed by their MP and others). Maybe not in Green Belt.
- All the Codicote sites In the Emerging Local Plan should be considered together.

Prematurity

- The Emerging Local Plan has not been adopted. Planning permission should not be granted for this site until the Planning Inspector has properly heard the views of those consulted, assessed the Emerging Local Plan and passed judgement on it.
- There is a lot of opposition to the Local Plan from local residents, the Local MP and many HCC and NHDC Cllrs. There are significant unresolved objections to the Emerging Local Plan.
- 54 objections were received for this site.
- Objections raised fundamental questions about whether Codicote is a sustainable location for any new development and whether there are better solutions available for our housing needs.
- Requested clarity as there appears to be an inconsistency in the advice given to the Inspector at the Hearing. In any case, this site is a special case where significant mitigation measures should be undertaken ahead of any residential development being commenced here, whether or not the site is eventually removed from the Green Belt via the replacement Local Plan site allocations.
- The proposed number of houses for this site is significantly higher than the Local Plan proposal, which suggests that housing numbers have not been calculated correctly in the Local Plan.

Infrastructure and services

- Codicote village lacks the necessary infrastructure, proper amenities and services to support this new housing and in particular the cumulative impact of the development of the five proposed housing sites in the ELP.
- The proposed increase in dwellings will place a significant increase on the already overstretched services. Inadequate infrastructure: oversubscribed primary school, oversubscribed preschool, doctor (no surgery in Codicote and nearest ones in Welwyn and Knebworth are oversubscribed and at capacity), insufficient parking at Bridge Cottage Surgery in Welwyn, no dental practice (nearby practices are already struggling to cope with demand), ambulance services, local hospitals, roads, no car park (or space for one), lack of shops and cafes/restaurants, no library or children's centre, lack of wide range of facilities, inadequate sewers, inadequate surface water drainage (causing flooding during sustained rainfall), water leaks, blocked and burst water pipes/drains, electricity supply (frequent shortages/power cuts/outages), gas, water supply, insufficient broadband/mobile signal/coverage/strength, streetlighting not working, refuse collection, poor condition of roads and pavements, poor public transport, insufficient space at local train station car parks (inc. Stevenage, Knebworth, Welwyn North and Welwyn Garden), inadequate footpaths to Old Welwyn, no direct bus links or health shuttle linking the Lister.
- Codicote is designated a Category A village and as such should provide essential services for surrounding, more rural villages, but lacks some essential services.
- Codicote Primary School is oversubscribed with large class sizes and there are not enough places for children who currently live in the village. Any proposed extension of the school is contingent on all four Local Plan sites being brought forward. To bring one site forward ahead of time would mean primary-aged children will have nowhere locally to go to school. Expanding the school next to its current physically constrained site will further increase congestion around peak times in the nearby roads.
- Local secondary schools are oversubscribed.
- Not sustainable in the absence of adequate public transport.
- Lack of employment in the village and additional housing will substantially increase commuter traffic.
- Affinity Water have lost their licence to extract from the River Mimram at Fulling Mill Lane. Question where is the source of additional water for all the new homes planned? More hard landscape will probably cause droughting or flooding to adjacent wildlife reserves.
- Financial contributions would be insufficient.

Highways, traffic, access and parking

Transport Survey/report

- Traffic Impact Assessment is out of date and inaccurate – figures within it are questioned. It does not reflect the reality.
- Canons Consulting Engineers report was submitted as part of the objection from Maze Planning Ltd on behalf of local residents, which reviews the transportation and highway engineer report that have submitted. They have found the applicant's reports and assumptions seriously flawed. It states that the Transport Assessment has failed to consider the cumulative impacts arising from the Draft Local Plan.
- Exacerbate existing traffic congestion on the B656 at peak times - it is frequently gridlocked, particularly at peak times in the morning and afternoon. The B656 is used as a rat run for the A1, especially when there is congestion on the A1 or it is closed.
- Exacerbate the existing situation with increasing numbers of lorries/large vehicles using the B565 accessing the nearby quarries and other commercial businesses.
- The traffic survey suggested that people's drives were appropriate passing places - question how the Council can condone the use of private driveways as an acceptable solution to congestion in Cowards Lane
- The report prepared by Railton TPC Ltd on behalf of Save Rural Codicote highlights the issues around congestion at peak times, lack of parking and safety concerns. It concludes that Codicote is by far, the least sustainable location as a location for new development and does not minimise the need to travel or maximise the use of sustainable transport modes and the proposed development at Codicote is not, therefore, compliant with paragraph 34 of the NPPF.
- The Council should not rely on the same traffic assumptions that were put forward at the Local Plan Examination Hearings at the Enquiry. Council should urgently re-assess the issue of future likely traffic levels for cars, vans and HGVs travelling through Codicote village in each direction especially in peak hours and the capacity of the High Street and Cowards Lane to deal with the huge increase in traffic that will use both these narrow roads in the coming years.
- It is incumbent on the LPA to now take stock of additional impacts on local traffic levels and assess the current outline application in that new context. Should take into account recent developments/ approvals.

Traffic congestion and highway safety

- A development of this scale will generate an unacceptable level of car borne and other forms of vehicular traffic on the adjacent road system which has limited capacity to accommodate it safely.
- Congestion within and on routes from the village at peak times is a known issue that can only be mitigated (if at all) by having an appropriate, joined-up development strategy for the village, rather than by viewing this application in isolation.
- Disruption to traffic during construction.
- Safety implications of increased congestion, including problems for the Emergency Services trying to pass through.
- Exacerbate destruction of local verges and hedgerows caused by the current traffic problems.
- When CD5 is developed, with its suggested St Albans Road entrance meaning further traffic using Cowards Lane to access the B656. CD5 now proposes vehicle access directly on to St Albans Road. Much of the traffic from this new CD5 access will use Cowards Lane as a cut through in order to avoid the congestion so Cowards Lane will see an increase in traffic.
- Exacerbate existing highway safety issues in the High Street, which is dangerous due to traffic levels and congestion and speeding traffic.

- Increase in traffic with exacerbate existing highway safety issues in Cowards Lane, which has no pavement and is narrow with a limited number of unofficial passing places (private driveways). Traffic on this road is a danger to pedestrians (including school children), cyclists and horse riders and the proposed development will exacerbate this. This is the route to the primary school from the development.
- Proposed new access onto Cowards Lane would be dangerous.
- Safety issues with the new site junction, as it sits in a hollow, visibility would be restricted by parked vehicles.
- Lack of visibility turning out of Cowards Lane onto the B565.
- The poor visibility on Cowards Lane and its increase use will create an extremely hazardous route and it is therefore unlikely that Cowards Lane will be used by parents, children or cyclists and therefore journeys to school will be further and more car journeys (contrary to the Travel Plan).
- Cowards Lane incapable of widening.
- The alteration of Cowards Lane will divert traffic from the development down the narrow lane.
- The proposed footpath leading from the proposed development onto Cowards Lane shows access to new pavements along Cowards Lane with the carriageway being narrowed to facilitate this at one of the few points along the lane which affords two vehicles to pass each other. Question how will vehicles travelling in different directions along the lane pass each other if the passing places are removed.
- Pedestrian access from the development into Cowards Lane would be dangerous as it is proposed at the southern boundary of Oaklea – it is at this point that the lane is barely wide enough for a single vehicle and there is no footway.
- Due to recent development, there are 5 homes using 2 driveways opposite the proposed entrance for site CD1
- The location of the Cowards Lane bus stop adds further congestion, where traffic will swing out to pass a bus.
- Concern with regards to roundabout being required in future.
- The 'uncontrolled crossing' is rather vague. Research suggests that this could just be an island in the road, which would be dangerous, particularly for school children trying to get to the bus stop in rush hour.

Parking

- Insufficient parking proposed within the development, which could increase on street parking outside of the site, which would be highly dangerous.
- Exacerbate existing problems with parking in the High Street – most properties do not have off-street parking and have no alternative but to park on the road. This restricts usable road width (including reducing the space for emergency vehicles to pass through. Cars often park straddling the pavement, which leaves insufficient room for people with pushchairs, wheelchairs or mobility scooters to use the pavement so they have to use the road. There is no car park in Codicote. Significant lack of parking in the village, with cars forced to park dangerously on road corners and junctions.
- By early evening all parking spaces on the High Street are taken and residents are not always able to park close to home, which can create a real problem for people with physical problems that restrict mobility.
- Increased use of the village facilities will increase pressure on parking to a dangerous level.
- Impact of parking during construction.
- Suggest parking bays in the new development rather than garages that people do not use. Tandem spaces are ineffective
- The 14 homes at Taverners Place in the High Street have only 15 parking spaces between them, which will increase on street parking on the B656.

Other issues

- Increase in air pollution due to increased traffic and during construction.
- Cul-de-sac layout with its lack of pedestrian connections to the village except by road pavement positively encourages the use of the car.

Other suggestions from local residents

Some residents made suggestions with regards to highways matters including:

- Re-siting the access to the development directly onto the B656.
- Change in the junctions of Rabley Heath Road, Coward Lane, the access road to the new estate and the High Street. Suggestion of a roundabout at the Cowards Lane/B565 junction or three mini-roundabouts
- Speed cameras at the bottom of the hill.
- Consideration should be given to making Cowards Lane (or part of) one way.
- The development should be a turning off (the realigned) Cowards Lane, rather than the reverse.
- Widening of Cowards Lane to create a cycle lane and pedestrian footpath.
- Developers could construct a suitable easement arrangement with the owners of The Riddy, currently an unmade road.
- Need for a Codicote bypass.

Impacts on amenity

- Built impact of houses facing bungalows in The Riddy.
- Loss of privacy to properties in Cowards Lane and The Riddy.
- Loss of outlook to open countryside
- Lack of a planting buffer along the Oaklea and Greenacre boundary.
- Query with regard to mature trees located along the boundaries given lack of a tree survey.

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

- The David Wilson Partnership: Assessment of Landscape Impacts was submitted as part of the original objection from Maze Planning Ltd Planning Consultants on behalf of some local residents. Their report submitted demonstrates that the proposals will have a significant effect on the landscape and public views across the site and that the development would conflict with the NPPF guidance on landscape impacts. They conclude that moderate adverse landscape and visual affects are predicted as a result of the development.
- Overbearing and out of character with the area.
- The proposed site is a prominent rising meadow which means that the development will be highly visible. The flats proposed, are completely out of character with a rural village.
- The site is situated on the southernmost fringe of the village of Codicote, and does not sit well within the existing village envelope.
- Not safeguarding the character of Codicote as a historic village.
- The highways arrangements would cease to be a narrow country lane and seen as part of the rural landscape framing this end of the settlement – a much more urban landscape will result.

Impact on nature and wildlife

- Adverse impacts on habitats of wildlife.
- The southern boundary of the proposed site adjoins the Herts and Middx Wildlife Trust wildlife sites at Hollards Farm (nos. 43/042 and 43/052) and known collectively as “The Riddy”. This area is comprised of mature native hedge and trees, a stream, a pond, and wet and dry land and as such supports a diverse mix of flora and fauna.

Development of the proposed site will seriously threaten the habitat and wildlife of The Riddy.

- The site drains onto the wildlife sites and has a stream/drain that catches this drainage and fills one of the natural ponds. Garden chemicals from the proposed development will contaminate the wildlife reserves.
- Unnecessary destruction of this area with its diverse range of flora and fauna.
- Loss of hedgerows which provide essential wildlife habitats.
- Potential impact on wildlife, including great crested newts, wild orchids, buzzards, kites, native British flower species, common toads, grass snakes, starlings and thrushes.
- It is regrettable to note that the owner has already removed a large section of the ancient hedgerow, and totally removed a copse which was home to various birdlife.
- The Light pollution, as elevated site – adverse impact on owls and bats.
- The Ecological Survey is out of date and contains inaccuracies.
- Question timing and scope of an Ecology survey.
- Potential adverse impact on Shetland sheep on the Riddy due to increase in dog walkers and dogs escaping into the Riddy, which will threaten the livelihood of the shepherd.

Other

- Proposed housing mix does not meet the local housing and affordable housing need.
- Question whether the houses will be affordable.
- Adverse impact on the community. Loss of village feel and community spirit.
- Change Codicote from a rural village to urban settlement.
- Impact on archaeology.
- Concern regarding location of children's play area adjacent to the High St/Cowards Lane junction.
- Their belief that the applicant has demonstrated disingenuous behaviour by; tearing down the ancient hedge bounding the B656 and Cowards Lane, changing the use of the land by regular mowing (not grazing and/or hay production), moving the boundary between the land and Hollards Farm by removing the hedging and boundary treatment and providing misleading information in the reports submitted in the application.
- Adverse impact on drainage and water-related issues – GWP Consultants Report submitted as part of the Maze Planning Submission on behalf of local residents provided detailed objection on these grounds. GWP Consultants Ltd have reviewed the information submitted in relation to water management issues. It is clear from their review that a number of serious deficiencies and inadequacies could be identified in the applicant's submitted report on water management. They raised concerns with the proposed outline drainage strategy and concerns over groundwater resources impacts and drinking water pollution risk. Not only should the applicant be asked to re-visit his consultant's report and methodology, but as part of the whole consideration of how surface water run-off and drainage is to be dealt with surely a fully engineered SUDS scheme is needed.
- Incorrect notice served.
- Site Notice posted is invalid as the development should have been advertised as a clear departure from the Statutory Development Plan, given the designation of the site as being in the Green Belt. [This was corrected and a new site notice posted.]
- Unreasonable and unacceptable that this application has not been determined.
- Loss of property value.

Re-consultation was carried out in February 2022. 17 representations were received – 16 raising objections and 1 in support. They raised and re-iterated the same objections as set out above and the following additional concerns:

- Cumulative impact of developments under construction in Codicote with direct access onto the High Street.
- An updated traffic assessment should be required. Since the last traffic assessment, there have been several new developments, all of which contribute to yet more traffic through the High Street. An up to date traffic report should also be required to take into account the impact of the additional traffic from the three main proposed developments.
- Since the last traffic assessment there have been very significant changes that will affect traffic numbers, traffic flow and parking within the village, specifically, planning permission at Heath Lane, 3 houses recently built at 189 High Street, housing development the George and Dragon Hotel site, application for housing development at the rear of the now closed Bell Motel and planning permission has been granted for a concrete batching plant at Rush Green on the B656.
- The latest plans have moved proposed houses near to the boundary with the houses on Cowards Lane, by removing the planting buffer, which is unacceptable.
- The developments if passed must be phased, so that major disruptions to access on both end of Cowards Lane are taken into consideration for residents of Cowards Lane.
- Lack of planning conditions relating to the environment, which should specify ground source heating, solar tiles and grey water recycling.
- The consultation documents prepared by Herts County Council Highways has a number of flaws in the facts and arguments presented. Made suggestions for alternative highways improvements. Provisions to see both the accessibility improvements to the bus stops and increased frequency are inadequate if there is a genuine desire to substitute public transport for car use, as there would need to be a more frequent bus service to and from Welwyn Garden City.
- Queries regarding proposed planting buffers.
- Expansion of Codicote school on its current site will result in a slightly enlarged school which again becomes oversubscribed within a short while, but there will be no room for further expansion due to the building of the estate on the land south of Heath Lane (CD5). Furthermore, the already significant problem with pupil drop off and pick up, which is an increasing irritation to local residents, will only become worse. Suggestion to move the school in its entirety to the former Wyevale site.

The following objection was received from “Save Our Green Belt”:

“Save Our Green Belt has made many comments regarding the suitability of sites within the "Villages for Growth" and "East of Luton" where we consider that sites selected within the Local Plan are wholly inappropriate in the Metropolitan Green Belt for the reasons stated during 3 Examinations in Public.

For several years we have opposed these sites and HM Planning Inspector has requested ED 215 provided by NHDC suggesting that these sites can be excluded from the Local Plan which is why we are seeing this Planning Application by a Developer seeking to undermine the democratic process.

This application is nothing more than brinkmanship in the hope that the Planning Application can be rejected and submitted on appeal to HMPI.

The application remains entirely inappropriate and will be contested.”

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

4.0 Planning Considerations

4.1 Site & Surroundings

4.1.1 The application site is located to the south of the village of Codicote. The site is arable farmland and currently comprises a field of predominantly grassland which is defined by hedgerows, trees and vegetation on the boundaries and has an area of approximately 3.63 hectares.

4.1.2 The B656 and Cowards Lane bound the north of the site. The site is bounded by existing residential development to the north and east in Cowards Lane and The Riddy. The site is bounded by the adjacent property, Hollards Farm to the east and south of the site. Part of the southern boundary abuts the Hollards Farm Meadow Local Wildlife Site. The site slopes up from the B656 to the centre of the site and then drops down to the south.

4.1.3 There are not any public footpaths crossing the site. However, there is a public footpath (23) that runs south from the B656 to the east of Hollards Farm and a public footpath (36) that runs south from Cowards Lane to the west of the site.

4.1.4 The site is located within the Green Belt and outside the village boundary of Codicote. The Conservation Area is in the northern part of the village and some distance from the site. There are Listed Buildings in the High Street closer to the site than the edge of the Conservation Area.

4.2 Proposal

4.2.1 The application is an outline application for a residential development for up to 83 dwellings (all matters reserved except access) (as amended by drawings and additional information received 4th January 2019 and 21st January 2022).

4.2.2 The application as originally submitted in June 2017 for a residential development for up to 88 dwellings.

4.2.3 Re-consultation was carried out in January 2019 following receipt of amended plans including amended illustrative layout) and additional information. This included a reduction in numbers from up to 88 dwellings to up to 83 dwellings.

4.2.4 Given the passage of time statutory consultees were reconsulted in December 2021.

4.2.5 Following receipt of parameter plans, amended illustrative layout plan and further information (including amended housing schedule), the statutory consultees and neighbours/local residents were reconsulted in February 2022. These parameter plans do not show the level of detail that was requested and also, an addendum to the Planning Statement, was requested but not received. However, it is considered that the information submitted is sufficient to assess the planning application and this is not a reason to refuse or delay the determination of the application.

4.2.6 The proposal (as amended) seeks outline planning permission for up to 83 dwellings. An application for outline planning permission allows for a decision on the general principles of how a site can be developed. If granted, outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'. In this case all matters are reserved except access. The proposed site access would be off the B656 and Cowards Lane would be re-aligned so that it would have a junction with this new access, rather than connect directly onto the B656, which is currently the case. All other matters (appearance, landscaping, layout and scale) are reserved and would need to be subject to a reserved matters application. An access plan was submitted as part of the application. A parameter plan has been submitted during the course of the application, which indicates the access and the planting buffers.

4.2.7 The development as amended proposes the provision of up to 83 homes, of which 40% (33 units) would be affordable. A housing schedule has been submitted as part of this application that indicates they could achieve a housing mix of 5 x 1 bed, 26 x 2 bed, 23 x 3 bed, 17 x 4 bed and 12 x 5 bed units. They also indicate a mixture of 2 and 2.5 storey buildings.

4.2.8 An indicative layout plan has been submitted as part of the application, which demonstrates how 83 dwellings could be accommodated on the site. However, this is for information only and should the application be approved, this plan would not be one of the approved plans, because all matters are reserved, except access.

4.2.9 The application is supported by the following documents:

- Design and Access Statement
- Landscape and Visual Appraisal
- Heritage Impact Assessment
- Preliminary Land Contamination Geotechnical Assessment
- Transport Assessment
- Transport Assessment Addendum
- Travel Plan
- Preliminary Ecological Appraisal
- Ecological Appraisal (amended)
- Great Crested Newt eDNA Survey Results – Technical Briefing Note
- Great Crested Newt Survey Reviews – Technical Briefing Note
- Biodiversity Impact Assessment and Calculator – Technical Briefing Note
- Flood Risk Assessment and Surface Water Drainage Strategy
- Archaeological Evaluation

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.
- Inappropriate development in the Green Belt
- Openness and purposes of the Green Belt
- Any other harm
- Prematurity
- Impact on heritage assets
- Impact on the character and appearance of the area
- Impact on the wider landscape and visual setting
- Impact on the local highway network, access and parking
- Environmental considerations
- Whether the development would represent a sustainable form of development

- Whether there would be Very Special Circumstances
- Planning obligations
- Planning balance and conclusion

Heath Lane appeal

4.3.2 A key material consideration in the determination of this application is the recent appeal decision at Land South of Heath Lane, Codicote ref. APP/X1925/W/21/3273701 (Heath Lane appeal). An application (Heath Lane application) was submitted in 2018 for residential development of 167 dwellings (Use Class C3) and associated works including formal open space, internal road network, landscape enhancement and creation of accesses from Heath Lane and St Albans Road; and the demolition of 66 St Albans Road (as amended by drawings received 1st and 6th November 2018, 17th and 18th December 2018 and 3rd April 2019) (ref. 18/02722/FP). This application was referred to Planning Committee in March 2021 with an officer recommendation for approval. The application was refused by Planning Committee for the following reasons:

“1. The application site is within an area designated in the North Hertfordshire District Local Plan no.2 with Alterations as Green Belt, within which there is a presumption against inappropriate development, such as that proposed, unless very special circumstances can be demonstrated. In the view of the Local Planning Authority the proposal is not supported by such very special circumstances. Moreover, it would harm the fundamental aim of Green Belt policy which seeks to maintain the openness of the area. As such, the proposal would not accord with the provisions of Policy 2 of the District Local Plan no.2 with Alterations 1996 or with the provisions of Section 13 of the National Planning Policy Framework (NPPF).

2. In the opinion of the Local Planning Authority, the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. The proposed development and the cumulative effect of other proposed land allocations in this locality, would be so significant, that to grant planning permission would undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging Plan as demonstrated by the extent of unresolved objections to the proposed land allocation, Policy CD5 of the Emerging North Hertfordshire District Local Plan (2011-2031) (Incorporating Modifications) which mean only limited weight can be applied to this policy. The proposal is therefore premature under the provisions of Paragraph 49 (a) and guidance on weight to be applied to emerging policies under paragraph 48 (b) of the National Planning Policy Framework (NPPF).

3. At the time of determination the planning application, the subject of this decision notice, has not been accompanied by a valid legal undertaking (in the form of a completed S106 Obligation) securing the provision of the requisite infrastructure and financial contributions towards off site infrastructure or on site affordable housing. The secure delivery of these obligations is required to mitigate the impact of the development on the identified services in accordance with the adopted Planning Obligations SPD, Saved Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations or proposed Local Plan Policy HS2 of the Submission Local Plan (2011-2031). Without this mechanism to secure these provisions the development scheme cannot be considered as a sustainable form of development contrary to the requirements of the National Planning Policy Framework (NPPF).”

4.3.3 The applicant submitted an appeal to the Planning Inspectorate against the Council's decision. The application was allowed at appeal. The Heath Lane appeal decision granted planning permission for 167 dwellings on the judgement that very special circumstances apply. A number of the considerations in that decision are pertinent to this application. Copied below are the relevant paragraphs of the appeal decision, which discuss very special circumstances and the overall assessment:

“Very special circumstances

102. The Framework makes clear that, 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.¹

103. In addressing this subject, the Courts have made clear that a particular mathematical exercise is not required. Rather, a single exercise of judgement is necessary to assess whether there are very special circumstances which justify the grant of permission notwithstanding the particular importance of the Green Belt and the seriousness of any harm to it.²

104. As inappropriate development the appeal scheme would constitute definitional harm. Built development of the scale and form proposed would incur moderate-significant harm to the openness of the Green Belt, and moderate harm through encroachment. There would also be a range of other, more limited non-Green Belt harms as identified, including limited-moderate harm to the landscape, and to heritage assets.

105. Against that, the circumstances of this application are quite extreme. The context is of a critically inadequate and deteriorating 5YLHS set against pressing housing needs, no recent local provision of affordable housing, and a local school unable to meet the needs of the village and with subsequent implications for local children, for Codicote's social cohesion, and for its future as a sustainable settlement supporting itself and minimising the need to travel. Such circumstances are acute and highly compelling. The proposal would make a very significant contribution in all those regards and would be accompanied by high quality mitigation to help offset and minimise the visual implications of additional built form.

106. I attach very substantial weight to the critically needed housing benefits of the scheme, significant weight to addressing the urgency for school expansion and further weights to the range of other lesser scale benefits as identified. In that context, and irrespective of the further support in favour of the proposal

¹ Footnote 15 of the appeal decision - These current iterations of the Framework and Guidance also post-date the Minister for State for Housing and Planning's Written Statement made on 17 December 2015 as referenced in evidence by the Council.

² Footnote 16 of the appeal decision - Sefton Metropolitan Borough Council v Secretary of State for Housing, Communities, and Local Government v Jerry Doherty 7 May 2021 Case No: CO/2050/2020 Co/2051/2020

drawing from the advanced status of ELP itself and from the Council's affirmation of it, I find potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, to be clearly outweighed by these particular other considerations. Very special circumstances therefore exist to justify the proposal.

107. Accordingly, such very special circumstances mean the proposal would not conflict with Policy 2 of the Local Plan. Further, given the existence of very special circumstances, it follows that the application of the Framework's Green Belt policies does not provide a clear reason for refusing planning permission.³

Overall assessment

i) The development plan as a whole.

108. I consider the development plan policies which are most important are those referred to and variously applied in my assessment of the main issues and other considerations.

109. I have identified some limited conflict with Policies 19 and 57, compliance with Policy 2, some commonality with Policy 26, and found no significant discord with other saved provisions. Given the particular significance of Policy 2 to this proposal, and the limited scale of conflict with Policies 19 and 57, I conclude the scheme would accord with the development plan as a whole.

ii) Other material considerations

110. As the Council is unable to demonstrate a 5YHLS, the tilted balance of paragraph 11d) is engaged.

111. The collective benefits of the development as described would be extensive. As such, any possible adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The scheme therefore benefits from the presumption in favour of sustainable development and which is a further material consideration.

iii) Final planning balance

112. The proposal would accord with the development plan as a whole and other material considerations do not indicate a decision other than on those terms. Accordingly, planning permission should be granted, subject to conditions."

4.3.4 This appeal will be referred to throughout the report as the "Heath Lane appeal". The Inspector's assessment of the Heath Lane site is of great relevance to the assessment of this current application. It is the officer's view that the Heath Lane appeal decision, by enabling the expansion of the school, has "unlocked" the other sites in Codicote, which are proposed housing allocations in the Emerging Local Plan.

³ Footnote 17 of the appeal decision – See footnote 7 - Cabinet Report dated 23 June 2020, 'Housing Delivery Test Action Plan 2020'

It is also worth highlighting that the appellant made a costs application in relation to the Heath Lane appeal. The Inspector concluded as follows;

“I therefore find that unreasonable behaviour on the part of the council resulting in unnecessary or wasted expense incurred by the appeal, as indicated in the Guidance, has been demonstrated. Accordingly, I conclude that a partial award of costs is justified.”

- 4.3.5 Copies of the appeal decision and costs decision are attached as appendices to this report.
- 4.3.6 It is also worth highlighting that a development for five dwelling houses in Ickleford was refused by Planning Committee contrary to officer recommendation. The appeal on this application was also allowed, as the Planning Inspector considered that very special circumstances exist which justify the development in the Green Belt. (Appeal ref. SPP/X1925/W/21/3269884, application ref. 20/00891/FP).

Policy background and the principle of development in the Green Belt

- 4.3.7 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.”

- 4.3.8 Saved Local Plan Policy 2 is consistent with the approach to Green Belt development in National Policy contained in Section 13 of the NPPF. Paragraph 137 of the NPPF states:

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

- 4.3.9 The proposal for 83 dwellings does not fall within any of the exceptions of appropriate development as outlined and listed in paragraphs 149 and 150 of the NPPF. The proposals are therefore inappropriate development which by definition is harmful to the Green Belt, by virtue of paragraph 147 of the NPPF, which reads as follows:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

- 4.3.10 As such 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.

4.3.11 The application site has been identified in the NHDC Emerging Submission Local Plan 2011-2031 (ELP) as a housing site (CD1 – Land South of Cowards Lane). The CD1 allocation has a dwelling estimate of 73 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.

4.3.12 The summary of reasoning as to why the site was allocated is set out in the Housing and Green Belt Paper from the Local Plan Examination and reads as follows:

“On edge of Category A village on land currently within Green Belt. Ability to make contribution to overall housing requirements and support vitality of village. Site-specific criteria and proposed dwelling estimate allow for appropriate mitigation of potential impacts and address a number of issues raised through the consultation. On balance, positive opportunities afforded by this site are considered to outweigh harms.”

4.3.13 It is acknowledged that the 55 representations were received in relation to Site CD1 in the Local Plan 2011-2031 Proposed Submission Draft. These can be viewed on the Council’s website. They were all objections except for a representation of support from the applicant for this application.

Inappropriate development in the Green Belt

4.3.14 As noted above, the proposals represent inappropriate development, which by definition is harmful to the Green Belt. Paragraph 148 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. ‘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 circumstances.”

4.3.15 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. Before considering whether very special circumstances exist the harm to the openness and purposes of the Green Belt are considered.

Openness and purposes of the Green Belt

4.3.16 As noted in paragraph 137 of the NPPF, the fundamental aim of the Green Belt and Green Belt policy is to prevent urban sprawl by keeping land permanently open, as the essential characteristics of Green Belts are their openness and their permanence.

4.3.17 One of the main considerations in this assessment is how built-up the Green Belt is now and how built-up it would be if the proposed development occurs. The existing site comprises a field of grassland bounded by hedgerows, trees, vegetation and some fencing. There are entrance gates on the access onto the B656. The land is devoid of buildings.

4.3.18 The proposed development of up to 83 dwellings would result in built form in terms of residential development and associated infrastructure. There would be significant spatial impact upon the openness of the Green Belt because of the number and scale of dwellings proposed. The North Hertfordshire Green Belt Review 2018 assesses the

site as making a high contribution to the physical openness of the Green Belt, as the site is described as **“undeveloped greenfield site that abuts the southern settlement edge of Codicote”**. This harm attracts substantial weight when considering whether there are very special circumstances to justify a permission.

4.3.19 The National Planning Practice Guidance and recent case law confirm that there is not only a spatial dimension to openness but a visual one. In terms of case law, the Supreme Court has recently clarified that assessment of visual openness is not required as a matter of law but may be considered as a matter of planning judgement.

4.3.20 Visually, the effect of the development would be shaped by a more complex combination of factors. The North Hertfordshire Green Belt Review 2018 assesses the site as making mixed contribution to visual openness, as the site is described as **“undulating site contained by hedgerows and adjoining residential development and agricultural land. Internally open but limited views in and out other than from immediate boundaries”**.

4.3.21 It is officers' view that different parts of the site contribute to the visual openness of the Green Belt to varying degrees. The ground slopes up to the centre of the site from the northern boundary and is highly visible from the B656 and Cowards Lane. The centre of the site is the highest point and then the site slopes down slightly to the south east. The northern boundary with the B656 is open and the northern boundary with Cowards Lane is bounded by a hedgerow. The western part of the site reads against existing residential development in Cowards Lane and The Riddy. There is a low hedge along the western boundary with the neighbouring property, Oaklea. There are low fences running along the northern boundary with the rear gardens of the properties in Cowards Lane. There is some vegetation including trees along this boundary, but they are within the adjacent gardens. There is low fencing along the western boundary with the properties in the Riddy, with some vegetation including trees in the south western corner of the site. The southern boundary is well screened by vegetation (a mature hedgerow including some scattered mature trees), although there is a gap in the vegetation in the south eastern corner. The eastern boundary is bounded by a hedgerow on the application site, and there is also a high leylandii hedge on the adjacent Hollards Farm (outside the control of the applicant).

4.3.22 The site is visible from views from the south west from public footpath no. 23. The south eastern part of the site is relatively well screened by vegetation. However, the site is visible from views from public footpath no. 36 to the south east. The northern boundary abuts Cowards Lane and the B656 and existing housing on the opposite sides of these roads. The impact visually would be most evident in the immediate vicinity of the site at its northern side. However, the site is also highly visible from the north from Rabley Heath Road and public footpath no. 5, which runs parallel with the B656 and is accessed off Rabley Heath Road. Whilst the site is highly visible from these elevated positions, development on this site would read against the existing built development of Codicote and in particular the recent, albeit minor, new development to the north of the site at 189 High Street. As such, it is the officer view that development on the northern and central part of the site would have a greater impact on the openness than development on the southern part of the site.

4.3.23 The Green Belt Review Update 2018 states that with regards to the quality of the boundaries the site is assessed as moderate, as the site is described as having **“well-established field boundaries from outer edge to south and east”**. This screening would be strengthened as part of any reserved matters application by the requirements of landscape buffers along these boundaries. The application is outline

only, however a parameter plans indicate that there would be a 12m planting buffer for much of the southern boundary and a 6m planting buffer for the rest of this boundary. There would also be 6m planting buffers for part of the west and east boundaries.

- 4.3.24 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. The effect of the proposed development upon the character and appearance of the area and the wider landscape is considered in more detail later in this report.
- 4.3.25 Spatially, the existing completely open character of the site would be lost. As part of a reserved matters application mitigation would be required to reduce the visual impact of built form through landscaping, however the spatial implications would not be similarly offset. The footprint of built form would be a permanent feature and the accompanying spatial impact upon openness would not reduce over time. Visually, the reserved matters application would include landscaping that could help mitigate the impact of the development on the surrounding landscape.
- 4.3.26 Therefore, the proposed development would result in harm to the openness of the Green Belt in terms of both its spatial and visual aspects and paragraph 148 of the NPPF confirms that any harm to the Green Belt attracts substantial weight.

Purposes of the Green Belt

- 4.3.27 Paragraph 138 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.”***

- 4.3.28 In terms of the purposes of the Green Belt, the site is proposed to be removed from within the Green Belt in the emerging local plan. As part of the evidence base for the Local Plan, the North Hertfordshire Green Belt review 2016 (NHGBR) divides the Green Belt into areas for assessment of the contribution that respective parcels of land make to the openness and purposes of the Green Belt.
- 4.3.29 The evidence base for the emerging local plan (ELP) includes the Green Belt Review Update 2018 (GBRU) (ref ED161) which consider the prospective impact of the proposed allocation on the purposes and openness of the Green Belt. In the case of site allocation CD1, the GBRU finds overall that the site makes a moderate contribution to Green Belt purposes. In terms of the individual purposes of the Green Belt the site (ref. 29) is found to make a limited contribution to Green Belt purposes (a) [sprawl] and (b) [merge], as the ***“site does not adjoin large built-up area”*** and the land ***“plays no role in preventing merger of neighbouring towns though does contribute to separation between Codicote and Welwyn”***. Furthermore, it is found that the land only makes a limited contribution to purpose (d) [historic], as ***“no conservation area impact and no impact on setting”***. The GBRU document finds that this parcel of land, makes a moderate contribution to purpose (c) [safeguarding the countryside from encroachment] of the Green Belt, in that ***“introduction of built form would cause some harm to this purpose but would not extend substantively beyond current southern limits of The Riddy while views are constrained from some directions”***. Built form would replace existing open countryside and encroachments would thereby be incurred. Given the site characteristics described, and particularly the immediate

relationship to the existing built form of the village, it is concluded that such harm would be moderate, as set out in the ELP evidence base.

- 4.3.30 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.
- 4.3.31 In the 2018 Green Belt Review Update, the contribution of the application site to the purposes and openness of the Green Belt was assessed as moderate contribution. Evidence for the Local Plan applies the general principle that development on sites which make a moderate contribution to the Green Belt would result in a moderate harm to the Green Belt. Paragraph 148 of the NPPF confirms that any harm to the Green Belt attracts substantial weight.
- 4.3.32 As such, the scheme would thereby conflict with Policy 2 of the Saved Local Plan, which aims to keep the uses of land open in character in the Green Belt. Defined exceptions where planning permission will be granted, however, include proposals where very special circumstances apply. An assessment of very special circumstances (in line with Local Plan Policy 2 and the NPPF) as part of the planning balances to follow, and to be made in the context of all other relevant factors.

Any other harm

- 4.3.33 Paragraph 148 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.”*** 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

- 4.3.34 The allocation of this site in the ELP is discussed later in this report. In terms of prematurity, paragraph 50 of the NPPF confirms that:

“Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.”

- 4.3.35 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 up to 83 dwellings which if granted permission is not so substantial, so as to undermine the ELP and the plan making process.

4.3.36 Moreover, in the recent Heath Lane appeal decision, the Inspector in considering a site within the Green Belt allocated for housing in the ELP found that there was no basis for refusing permission grounds of prematurity for that site.

4.3.37 It is also worth drawing attention to the current housing land supply of 1.47 years, which is a significant shortfall on the minimum 5-years supply required by the NPPF. In addition, in January 2022, the Government released the latest Housing Delivery Test results for local authorities. This is a measure of new homes built in the preceding three years against either Local Plan targets (where these are adopted and up to date) or the Government's 'standard method' figures for new homes required (49%). The latest results for Housing Delivery Test (2021) show that we are failing to meet our Housing Delivery Target set by the Government.

4.3.38 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:

“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.”

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

4.3.40 In the light of the above considerations, it is considered that it would not be reasonable to refuse this application on prematurity grounds. A refusal could not be substantiated at an appeal, and the Council would risk an award of costs, as occurred in respect of the appeal at Heath Lane, Codicote.

Impact on heritage assets

4.3.41 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”.

4.3.42 Under Policy CD1 of the ELP, which sets out the site-specific criteria, a requirement states:

“Sensitive design, particularly at north-east of site, to prevent adverse impact upon setting of Listed Buildings on High Street;”

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

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

4.3.44 This is supported by Paragraph 195 which requires that:

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

4.3.45 Paragraph 202 is also of relevance and it reads as follows:

“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 including, where appropriate, securing its optimum viable use.”

4.3.46 The site itself does not include any designated heritage assets, however there are a number of assets within the vicinity of the site, including a number of listed buildings and the Codicote Conservation Area.

4.3.47 This application is accompanied by a Heritage Impact Assessment (by the Heritage Network dated March 2017), which makes the following comments with regards to impact on the setting of heritage assets:

“English Heritage guidelines on the significance of setting in considering a planning application (English Heritage 2010), suggest that the character of the landscape, and its historic associations, contribute to the significance of a heritage asset. The more recent Good Practice Advice on the setting of heritage assets (Historic England 2015), notes that buried remains retain a presence in the landscape and have a setting.

• The site represents agricultural land on the southern edge of Codicote. Post-medieval and modern mapping has shown that it has remained in cultivation since the mid-17th century, and probably lay within the lands associated with Hollard’s Farm. The accumulated evidence suggests the presence of potential features of archaeological significance on the site, including a ridge and furrow earthworks and a chalk extraction pit of late medieval or early post-medieval date. Such features are considered to be undesignated heritage assets under the National Planning Policy Framework and development of the site would have a significant impact on their setting.

• Listed buildings are considered to be designated heritage assets under the National Planning Policy Framework. However, no listed buildings will be affected by any proposed development. Two Grade II listed buildings (HER nos. 5187 & 5352) are located on the north-eastern side of High Street, approximately 250m to the north, but their setting has already been compromised by modern development at the southern end of High Street.

• Existing hedge lines forming field boundaries, which have been in existence from at least 1770, are largely proposed for retention and strengthening. Hedges are considered to be designated heritage assets under the Hedgerows Regulations 1997. Nevertheless, development of the site would alter the agricultural landscape in which they stand, and have a significant impact on their setting.

• There is a demonstrable potential for encountering below-ground features and deposits of prehistoric to modern date across the proposed development. Such potential remains are considered to be undesignated heritage assets under the National Planning Policy Framework but their setting can only be readily defined once their nature, date and extent have been identified. Nevertheless, development of the site would alter the agricultural landscape in which they stand, and could have a significant impact on their setting, though this is likely to have been significantly degraded by later activity.

Taken overall, the impact of the proposed development on the setting of both designated and undesignated heritage assets, and potential heritage assets, is considered to be High.”

4.3.48 This report discusses potential for below-ground archaeological remains to survive across the site. The Historic Environmental Advisor, Herts County Council, has been consulted on the application. They initially raised an objection, as they required investigations should be undertaken predetermination. Following receipt of archaeological trial trench evaluation report, they had no further comment, as investigations suggest that the archaeological potential of the site is low and it is unlikely to contain any heritage assets.

4.3.49 The nearest Listed Buildings are on the northern side of the High Street to the north west of the site. They are a terrace of four cottages (151-157 High Street) and a pair of cottages (nos. 163 and 165 High Street). They are all Grade II Listed Buildings. The nearest Listed Buildings on the south western side of the High Street to the north west of the site is Rosebank, 144 High Street, a Grade II Listed building set back from the road.

4.3.50 It is noted that that there is no inter-visibility between the site and these listed buildings, as there is existing development between them, and there are no visual or historic associations between the site and these buildings. The setting of these Listed Buildings is already impacted by the built development around them. Therefore, the proposal would have very limited impact on the setting of these heritage assets. As such, it is considered that the site does not contribute to the setting of the listed buildings. Indeed, the Heritage Impact Statement submitted with the application comments that:

“...no listed buildings will be affected by any proposed development. Two Grade II listed buildings (HER nos. 5187 & 5352) are located on the north-eastern side of High Street, approximately to the north, but their setting has already been compromised by modern development at the southern end of the High Street.”

4.3.51 It is the officer view that the development would not cause any harm to the setting of these Listed Buildings and as a result their significance.

4.3.52 The Landscape and Visual Appraisal states:

“Most of the listed buildings within the vicinity of the Site are located along the High Street towards the centre of Codicote, with intervening modern houses between the listed buildings and the Site. A group of three Grade II listed buildings lie approximately 350m to the east, that of: Sisservenens Farmhouse; East Barn at Sisservenens; and North Barn at Sisservenens. These are located on

the adjacent valley side to the Site, with an extensive area of intervening woodland, scrub and trees. The closest listed building to the Site is a Grade II milestone on the B656 beyond Hollard's Farm, approximately 0.5kms from the Site.

Grade II listed Ayot House and associated Registered Park and Garden (refer to Appendix 3, Figure 03) is located approximately 2km from the Site to the south-west of Codicote. It is a mid to late 18th century landscape park surrounding a country house and pleasure grounds. The 70ha site includes the remains of the north-east drive leading down the hillside from the park into the river valley ending approximately 1km from the Site. There is no intervisibility between this part of the parkland and the Site (refer to Appendix 3, Viewpoint 10)."

4.3.53 The officer concurs with the view that the proposed development would not affect the setting of the Grade II listed Ayot House and associated Registered Park and Garden or the Listed Buildings at Sisservenens.

4.3.54 The Conservation Area covers the northern part of the High Street and its southern boundary is some distance from this site. With regards to the impact on the setting of the Codicote Conservation Area, it is noted that the site is largely separated from the Conservation Area by residential development including more modern development and there is little in the way of inter-visibility between the two. The setting of the Conservation Area is already compromised by existing development immediately surrounding it. Due to the amount of development surrounding the Conservation Area, the relationship between the Conservation Area 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 Conservation Area. 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 Conservation Area. The character statement does not identify a 'Key View' out of the Conservation Area, that takes in this site. As such, it is considered that there would not be any harm to the Conservation Area or its setting.

4.3.55 The Heritage Impact Assessment discusses mitigation and makes the following comments with regards to hedgerows, with which the officer concurs:

"The woodland on the site forms a mixture of designated and non-designated heritage assets under the National Planning Policy Framework, and most of the hedgerows around and across the site are considered to be designated heritage assets under the Hedgerows Regulations 1997. The development masterplan proposes retention of the woodland and the hedgerows but they would suffer indirect impacts through changes to their historic agricultural setting.

Such changes are considered to represent a less than substantial harm to the significance of these heritage assets, whether designated or undesignated, and this may be balanced by the perceived public benefits of the development proposal, as allowed for under paragraph 134 of the National Planning Policy Framework."

4.3.56 The Heritage Impact Assessment reached the following conclusions:

"The present study has demonstrated that there is a small number of designated and undesignated heritage assets that would suffer indirect impacts from the proposed development, but such impacts are not considered to represent a substantial harm to their significance. The study has also demonstrated that a

potential exists for below-ground archaeological remains to survive across the site.

There are not considered to be any overriding heritage issues that would prevent the allocation of the present site for development on heritage grounds, but any development of the site is likely to require a programme of intrusive and non-intrusive site investigation leading to proposals to mitigate the impacts on any below-ground archaeological remains that might be discovered.

4.3.57 As outlined above, a small level of harm has been identified to the significance of heritage assets, namely the hedgerows. 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 202 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”.

4.3.58 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. 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.

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.

Impact on the character and appearance of the area

4.3.59 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-east edge of the village. The existing site comprises a field which contributes to the rural setting of this part of the village and forms part of an urban-to-rural transition between Codicote and the area of Green Belt between Codicote and Welwyn. The impacts of the proposed development on the wider, surrounding landscape are considered below. However, by virtue of housing development on this currently greenfield site, to some extent there would be a small adverse impact to the character and rural setting of the existing village, as a result of the development. However, the proposed development would read against the existing residential development adjacent to it to the north and west.

4.3.60 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”.***

4.3.61 The application is accompanied by an illustrative layout plan. It has been amended during the course of the application to accommodate changes early on including a reduction in unit numbers and more recently to accommodate landscape buffers. However, should planning permission be approved then this plan would not be an “approved plan”. It is for illustrative purposes only. It is worth clarifying that this application is for “up to 83 dwellings”. Officers remain to be convinced that 83 dwellings can be comfortably accommodated on site, given its sensitive edge of village location, but this is an issue that will be assessed as part of the reserved matters application(s) when detailed layout plans are submitted as part of the application. The design and layout of the scheme including internal green spaces is a reserved matter and not subject of this outline planning application. An informative has been recommended to flag up that the proposal may be subject to Design Review at the Reserved Matters stage in line with Paragraph 133 of the NPPF and supporting paragraph 9.13 of the Emerging Local Plan Policy D1: Sustainable Design.

4.3.62 With regards to open space standards, it was agreed at Cabinet in July 2021 that pending the updated Green Space Strategy and revised programme of Supplementary Planning Documents, Fields in Trust standards be used to assess open space provision residential development. As part of the Reserved Matters application, we would need to ensure that the proposed open space meets these standards.

Impact on the wider landscape and visual setting

4.3.63 With regards to the landscape and wider visual impact the site is bounded to the north and west by residential development in Cowards Lane, the Riddy and the other side of the High Street. The site is bounded to the east by Hollards Farm. To the south of the site is open countryside. The Hollards Farm Meadow Local Wildlife Site abuts some of the southern boundary.

4.3.64 The application was accompanied by a Landscape and Visual Assessment. I have copied below the description of the site from this document:

“The Site is located on the southern edge of the settlement of Codicote, within the district of North Hertfordshire (Refer to Appendix 3, Figure 1). Codicote lies to the south-west of Stevenage and to the north-west of Welwyn. The River Mimram follows a course to the west and south of Codicote, flowing through Welwyn. A tributary of the River Mimram lies to the south of the Site, forming a small local valley, within an intervening local ridge between Codicote and the main Mimram valley. The B656 provides the main road link connecting Codicote to Welwyn, passing the north-eastern corner of the Site, following the tributary valley and along the Mimram valley to join with the A1(M). Immediately to the north and west of the Site lie residential properties of varying age, character and appearance. Those to the west are large individual detached dwellings, with smaller detached and terraced properties to the north. This creates a mixed built character with little unity or visual cohesiveness. To the east of the Site lies the farmstead of Hollards Farm, formed by a large group of buildings, mainly barns, but also a farmhouse, further residential property, menage and horse grazing.”

4.3.65 The site is not level. The ground level rises from the B656 to the centre of the site, which is the highest point. The highest area of land lies to the west of the site,

gradually falling away towards the east. The ground level also falls towards the southern boundary of the site. The site is fairly open to the B656 to the north. It is bounded by hedgerows along the northern boundary with Cowards Lane. The site boundaries with the neighbouring properties in Cowards Lane and The Riddy are fairly open, there is some vegetation within the neighbouring gardens. The site is fairly well screened by hedgerows along the southern boundary with open countryside and the eastern boundary with Hollards Farm, albeit not all of this vegetation is within the application site. The field forms an 'L' shape. The site is mostly open except for a row of mature trees extending from the southern boundary up to the centre of the Site. It is understood that the trees define the alignment of the original field boundary that previously crossed the site, but is now partially removed.

4.3.66 The North Herts Landscape Study is a background paper supporting the Emerging Local Plan. The site falls within Area 133, with Area 132 and Area 205 forming neighbouring areas of landscape character which could be affected by the proposed development. The landscape character of Area 133 (Danesbury – Rabley Heath) is described as **“extensive area of heathland which has been developed and settled”** and the key characteristics identified are **“gently rolling upland plateau landscape”** and **“extensive settlement generously dispersed over the south.”** It states that: **“Overall Danesbury-Rabley Heath is considered to be of moderate sensitivity. The character area contains distinctive dispersed settlement but elements of the wider landscape, such as hedgerows and tree belts have already been partly eroded.”** It concludes that: **“Overall Danesbury-Rabley Heath is considered to be of low landscape value. This area is heavily influenced by human activity, there is limited visible evidence of the historic landscape and the landscape and landform is not particularly memorable.”**

4.3.67 With regards to the capacity to accommodate development the Landscape Character Study states that for smaller urban extensions (under 5 ha):

“This type of development would not be entirely appropriate within this Character Area, due to its rural character and dispersed settlement pattern. Some small scale expansion within North Hertfordshire of Pottersheath, Rabley Heath of Oaklands, carefully designed and in keeping with the existing character could possibly be accommodated. However, any proposals would need clear justification to avoid the erosion of the mature woodland belts that characterise Danesbury-Rabley Heath. The landscape capacity for small urban extension is considered to be moderate to low.”

4.3.68 The LVIA submitted in support of the application concludes that:

“It is considered that the proposed development would provide an appropriate location on the edge of Codicote, and could be accommodated within the landscape and views. The main effects would be restricted to those within the Site or immediate context, and otherwise limited effects within the local and wider context.”

4.3.69 It is the officer's view that the main impacts of the proposed development on the wider landscape setting are the impact on immediate views from the B656 to the north, longer distance views from the north east (particularly footpath no. 5), and medium distance views from the south west (particularly from public footpath no. 23).

4.3.70 The proposed development would significantly change the views of the site from the B656 immediately to the north. However, this road leads into the High Street, which is characterised by built development. In addition, the indicative layout plans suggest

that build development would be set back from the road by landscaping, and this could be required as part of a reserved matters application.

- 4.3.71 The proposed development would be clearly visible from the north east, particularly from footpath no. 5, as the land slopes up from the site towards this footpath which is on a ridge. There would be largely uninterrupted views of the development from public footpath no. 5 and glimpsed views of the site from Rabley Heath Road where there are gaps in the hedgerows. However, the new development would read against existing built development and sits with the context of the village of Codicote. The photos in the LVIA were taken before some large houses have been built the opposite side of the B656 to the application site (189 High Street).
- 4.3.72 There is a public footpath, no. 36, which runs to the south and west of the site and the ground rises up towards the application site from this footpath and therefore the application site is elevated. However, due to the vegetation screening the site there would only be glimpsed views of the proposed development from this footpath.
- 4.3.73 The proposed development would be visible from public footpath 15, which runs to the north of the Heath Lane site. However, views of the proposed development would be partially obscured by existing built development and the proposal would read against the context of the built form of Codicote.
- 4.3.74 The development would be prominent from the B656 immediately to the north and view points from the north east in particular, introducing built form into this part of the landscape. Negative impacts on the landscape include the loss of existing green field land and the removal of vegetation along the B656 and Cowards Lane to make way for the access and vision splays. The proposals include a significant number of benefits and mitigating factors to balance these negative impacts, to reduce and minimise landscape and visual impacts. The parameter plans show 6m deep landscape buffers along part of the east, west and south boundaries and 12m buffer along the boundary with Hollards Farm Meadow Local Wildlife Site. The application is outline with all matters reserved, except access, therefore this application is not considering the detailed design and layout of the development or any landscaping within the site. However, the indicative layout indicates that a housing scheme would include areas of open space and landscaping and built development would be set back from the northern edge of the site and softened by landscaping. This would be required as part of a reserved matters application, particularly given the sensitive edge of village location of the site.
- 4.3.75 A representation was submitted by Maze Planning Ltd on behalf of the neighbours at Hollards Farm and other local residents that included an assessment of landscape impacts by David Wilson Partnership (July 2017). This can be viewed on the Council's website. It concludes that moderate adverse landscape and visual effects are predicted as a result of the development, and as such the proposal fails to comply with national and local planning policy.

Summary of impact on wider landscape and visual setting

- 4.3.76 It is the officers' view that the provision of up to 83 dwellings on currently open land would, inevitably, result in a significant change in the character of the site, impacting on the wider landscape. However, mitigation measures could be included in a reserved matters application. Also, 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 northern and western part of the site. The proposed development would be seen in the context of the existing settlement edge of Codicote.

4.3.77 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, landscaping would be required as part of the reserved matters application and once this has matured, the development would be partially screened from the wider landscape, from longer views and it would fit more comfortably within its setting. Over time, any harm would reduce, but would remain moderate in the officer's view, given that landscaping would not screen the development from the clear views of the site from the north east in particular. In the overall planning balance, it is considered that the harm identified in this instance can be described as moderate and that this should attract moderate weight.

Impacts on the local highway network, access and parking

4.3.78 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. 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 the motorway and use the B656 as an alternative. The issue of highway safety is an issue that has been raised by many local residents, particularly in relation to the High Street, which is heavily parked, and Cowards Lane, which is a narrow lane with limited unofficial passing places.

4.3.79 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 111 states that:

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

4.3.80 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.”

4.3.81 During the course of this application, noting that it was originally submitted to the Council in June 2017, 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 CD1). A requirement of Policy CD1, 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.”

4.3.82 This planning application has been submitted with a Transport Assessment and in November 2019 the applicant submitted a Transport Assessment Addendum, which was prepared to address this modification and assessed the cumulative impact of this site (CD1) and the other three sites which are also allocated for housing in Codicote under the ELP. The submitted Transport Addendum (November 2019) reached the following conclusions:

“The cumulative effects of development on the highway network within Codicote would not be severe and the proposed development therefore satisfies the policies of the North Hertfordshire District Local Plan (Main Modifications) and the NPPF.”

4.3.83 The Highways Authority were consulted on the application and the further Transport Addendum and raised no objections and recommended conditions.

4.3.84 A representation was submitted by Maze Planning Ltd on behalf of the neighbours at Hollards Farm and other local residents that included a Technical Note by Cannon Consulting Engineers: Highways, Transport and Infrastructure Planning. This can be viewed on the Council's website. Further comments were received from Maze Planning Ltd (which can be viewed on the Council's website) to say that they hope that the Council is not going to rely on the same traffic assumptions that were put forward in the Local Plan Examination Hearings or at the Inquiry last August. They state that the Council should urgently re-assess the issue of future likely traffic levels for cars, vans and HGVs travelling through Codicote village in each direction especially in peak hours and the capacity of the High Street and Cowards Lane to deal with the huge increase in traffic that will use both these narrow roads in the coming years. They consider that review should then be used to assess the impact of the above application south of Cowards Lane in highways and transport impact terms. They refer to recent approvals and developments nearby and comment that it is incumbent on the Local Planning Authority to now take stock of these additional impacts on local traffic levels and assess the current outline application in that new context. The Highways Authority are aware of these comments and have taken them into account when making their latest comments.

4.3.85 In early 2022 the Highways Authority were re-consulted and provided amended comments. They continue to raise no objections; but recommended more conditions.

4.3.86 The Highways Officer reached the following conclusions:

“The LPA has asked the Highway Authority to comment on the now rather elderly Transport Assessment (May 2017), and whether this needs to be updated. There is certainly merit in this given the significant changes in sustainable travel / accessibility policies since this time. However, some of the key points in this TA remain relevant, for example, trip generation calculations will be unchanged, and a TA Addendum Note from November 2019 addressed the cumulative impact and wider capacity implications.

Nevertheless, it should be stressed that we are no longer a capacity-based Highway Authority. New developments will inevitably bring increased traffic, but

the firm focus now is on ensuring new developments provide excellent sustainable travel options and are accessible. The needs of pedestrians, cyclists, and public transport users must come first, with the needs of the private motorcar at the bottom of the user hierarchy (i.e. in the context of convenience, not of safety, which is always of utmost importance).

As such, the expectation of this development is that it provides meaningful sustainable travel opportunities, which will help lower vehicle trip generation. The recommended conditions above, and request for a sustainable transport contribution, bus service contribution, alongside a Travel Plan, will all help to achieve that.”

- 4.3.87 As such it is considered that the impact of the development on the highway network would not be a sustainable reason to withhold planning permission.

Access

- 4.3.88 All matters are reserved in this outline application, except access. The existing field gate access to the site would not be used and a new access to the site created. The existing priority junction between Cowards Lane and High Street will be realigned to provide direct access off the High Street to the site. An additional priority junction will be created between the site access and Cowards Lane.

- 4.3.89 The Highways Authority made comments in 2017 and 2019 and raised no objections to the proposed access and recommended conditions. The Highways Authority were re-consulted in February 2022 and made comments in March 2022. The Highways Officer recommended a condition requiring a revised highways works plan to be submitted to and approved by the Local Planning Authority (in consultation with the Highway Authority). This covered both on-site and off-site highways works, including the provision of the following:

“- The provision of 2-metre wide footways on both sides of Cowards Lane, from the point of the new development spine road, to a safe point circa 45 metres to the west, with suitable tie-ins from the footways onto the Cowards Lane carriageway at the western end points.

- Pedestrian dropped kerbs and tactile paving either side of the Cowards Lane / spine road junction, with a suitable level of visibility shown from the tactile crossing points.

- Pedestrian dropped kerbs and tactile paving either side of the B656 / spine road junction.

- Measures to prohibit the parking of vehicles (e.g. double yellow lines) at the roadside of the B656 to ensure the necessary level of visibility from the site access, and from the pedestrian crossing points on the B656, are maintained in perpetuity.”

- 4.3.90 They also recommended a condition that before first occupation of the development, plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of upgrades to the two existing bus stops closest to the site along the B656, to include raised Kassel kerbing. This is instead of the bus stops being secured by s106 Agreement to ensure they are provided prior to occupation.

- 4.3.91 They commented that the LPA may consider it prudent to secure all the above in revised plans from the applicant now, rather than deal with it by way of planning condition, given it includes several important elements. Further revised plans were requested from the applicant at the application stage, given that it includes several

important elements and as the visual impacts of the changes also need to be assessed. However, they were not willing to provide them now, on the basis that HCC Highways do not object to the application and recommended suitably worded conditions and the applicant has no objection to the suggested conditions. They also made the point that the substantive comments and so the further conditional information sought does not go to the suitability of the site access and the comments relate to highways works that would largely be delivered within the adopted highway off site, outside of the application red line and will be included in a S278 agreement. They noted that a possible exception to this would be the footpath along the southern edge of Cowards Lane which if provided may need to be located just within the site's northern boundary and the proposals for the sites northern boundary will need to be finalised alongside the detailed design and layout of the houses as part of the reserved matters and in the context of a comprehensive landscape scheme, incorporating the sustainable drainage features etc.

4.3.92 Whilst it would have been preferable to have these highways works plans at this stage, it is the officer's view that this would not be a sustainable reason to withhold planning permission, given that the Highways Authority has recommended conditions to deal with this matter, which can be addressed at the reserved matters stage.

4.3.93 Officers were however concerned that, in order to meet the requirements of the recommended condition referred to above, that a significant length of the hedgerow on the site adjacent to Cowards Lane would need to be removed to allow space for the footways. As such discussions took place with the Highways Authority and the Highway Authority confirmed in further comments in May 2022 that the Highway Authority is of the view that an internal pedestrian route running parallel to Cowards Lane would instead be a suitable alternative option. This internal route would need to connect onto Cowards Lane in the north-western corner of the site, with a minimum width of 2 metres. As such, there will be some loss of hedgerow at this point, as well as the loss of hedgerow to accommodate the realigned Cowards Lane carriageway and associated visibility splays. The Highways Authority amended their first condition to require a revised highways works/access plan that shows the provision of a hardsurfaced pedestrian route internally within the site of at least 2 metres width, running parallel to Cowards Lane (on its southern side for the full extent of the site boundary), with a hardsurfaced pedestrian link at the north-western terminal point of this onto the Cowards Lane carriageway, also of at least 2-metres width. This will ensure that the pedestrian footway is provided within the site parallel with Cowards Lane, but to the south side of the hedgerow. This would have the benefit of retaining much of the hedgerow and encouraging pedestrians not to walk along this narrow stretch of Cowards Lane, as there is an alternative safer footpath. There would still need to be a loss of some hedgerow to create the reconfigured junction, to enable sufficient visibility splays and to allow a pedestrian access onto Cowards Lane adjacent to Oaklea. However, this would be unavoidable to ensure highway safety and it is the officer's view that this is not a sustainable reason to withhold planning permission. The detailed design will be considered as part of the reserved matters application.

4.3.94 However, officers were also concerned with regards to the two conditions recommended by the Highways Authority that require the submission of detailed drawings to the Local Planning Authority specifying details of off-site (outside the application red line) highway works, including road improvements and detailed specification of bus stops. Following legal advice officers do not believe that these recommended conditions are enforceable, and therefore do not meet the relevant tests set out in paragraph 55 of the NPPF. As such the Local Planning Authority have recommended separate conditions for the on-site and off-site works. The developer can be required to submit a highways works/access plan to cover on-site works, in this case the pedestrian route internally within the site and the pedestrian link onto

Cowards Lane. However, Grampian conditions relating to off-site works have been worded to ensure that the developer delivers the off-site works prior to occupation. These off-site works would also be secured by a S278 Agreement and this is highlighted in a recommended informative. The amended conditions are set out below. As such it is considered that the proposed access would be acceptable, subject to the recommended conditions.

- 4.3.95 With regard to pedestrian and cycle access, this will be covered by the reserved matters application. There are no cycleways proposed or public paths that may be used by cyclists that provide connections to the local highway network. However, these could be sought as part of a reserved matters application.
- 4.3.96 The site would also be within walking distance of a number of existing bus stops. The nearest bus stops are located along the High Street stops which are 200 metres from this site, which would allow for sustainable modes of transport beyond Codicote, to wider range of services at nearby towns.
- 4.3.97 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

- 4.3.98 The NHDC Vehicle Parking at New Developments Supplementary Planning Document ('Parking SPD') sets out the minimum parking requirements for this proposal. This outlines that 1 space is required per 1 bedroom dwelling and that 2 spaces are required for any dwellings of 2 bedrooms or more. In addition, between 0.25 and 0.75 visitors parking spaces are required per dwelling, with ***“the higher standard applied where every dwelling in the scheme is to be provided with a garage”***. In terms of cycle parking/ storage, the Parking SPD requires: ***“1 secure covered space per dwelling. None if garage or secure area provided within curtilage of dwelling”***. Whilst an indicative housing schedule and indicative layout have been provided, all matters except access are reserved so this matter will be dealt with at the reserved matters stage.
- 4.3.99 The concerns raised by local residents with regards to parking provision are noted. However, as part of a reserved matters application it would need to be ensured that sufficient parking is provided on site, particularly given that there is an existing parking problem in the High Street.

Mitigation measures

- 4.3.100 Paragraph 110 of the NPPF states that -

***“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;***

b) safe and suitable access to the site can be achieved for all users;
c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

4.3.101 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 the proposed scheme would be served by public transport;”

4.3.102 It is acknowledged that the existing bus services through Codicote are quite poor and are infrequent. 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 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.

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

4.3.104 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 £117,500.00 (index linked) is sought from this application.

4.3.105 In order to further improve accessibility to the local bus service, a condition is recommended requiring upgraded to the two existing bus stops closes to the site to be completed before first occupation.

4.3.106 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. A Travel Plan has also been submitted with the application which includes measures to promote and encourage sustainable modes of travel. Notwithstanding this the s106 Agreement

includes a requirement for a Travel Plan and is to be monitored by HCC Highways, through a further s106 financial contribution of £6,000 (index linked).

4.3.107 The Highways Authority are now also seeking a Sustainable Transport Contribution of £158,721 (index linked). Their response provides details to how this figure was calculated. This is to be pooled towards scheme no. SM210 under Package 15 of HCC's South-Central Growth and Transport Plan. The Highways Officer provides more detail on this as follows:

“Package 15 of our South-Central Growth & Transport Plan outlines the County Council’s plans to undertake works to create a sustainable transport corridor along the B656 through Codicote, including bus priority, speed reduction, and urban realm improvement interventions. Scheme number SM210 in particular outlines the need for measures such as cycleway/footway improvements and traffic calming, with a focus on the village of Codicote. The aim is to provide a high quality sustainable travel route along the B656 between Welwyn Garden City and Hitchin; discourage the use of the B656 for longer distance inter-urban travel through the use of signage, reduction in permitted traffic speed and other physical changes to road layout which enhance facilities for pedestrians and cyclists; and provide safer and more sustainable travel access options to local schools.”

The s106 agreement also includes a requirement for provision of a car club with at least 1 car club space and vehicle provision.

Travel Plan

4.3.108 The Sustainable Mobility Co-ordinator, Active and Safer Travel Team, Environment and Infrastructure, Hertfordshire County Council, provided detailed comments with regards to the submitted Travel Plan. These comments were passed to the agent and they were advised to submit an amended Travel Plan at this stage taking into account these comments. However, an amended Travel Plan has not been submitted. This is not a sustainable reason to withhold planning permission and the measures, targets and monitoring that should be contained within the Travel Plan shall be secured via s106 Agreement.

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

4.3.109 Many of the objections received from local residents refer to the impacts this proposal would have on matters of highway capacity and access (indeed objectors have provided their own report by Highway consultant). It is acknowledged that there are issues of congestion in Codicote, especially along the B656 High Street. This is particularly the case during peak rush-hours. However, Hertfordshire County Council Highways Authority have not objected to these proposals, subject to conditions and a package of mitigation measures to be secured via a s106 legal agreement, as outlined above. Furthermore, the cumulative impact of this site together with the other three allocated sites in Codicote has been taken into consideration.

4.3.110 It is found by the HCC Highway Officer that the Transport Assessment Addendum shows that the cumulative effects of development on the highway network within Codicote would not be severe and the proposed development therefore satisfies the policies of the North Hertfordshire District Local Plan (Main Modifications) and the NPPF. As such, the Highway Authority has not raised any objections.

4.3.111 It is also acknowledged that a number of representations have been received raising concerns over pedestrian and highway safety, in particular concerns that the proposal

would exacerbate existing highway safety issues in Cowards Lane. Given that the Highways Authority have raised no objections on highway safety grounds, it would not be a sustainable reason for refusal.

4.3.112 Notwithstanding the above, it is acknowledged that due to limited employment opportunities in Codicote and the likely need to travel to nearby towns for large weekly shopping trips etc, it is likely that most of the residents of the new development would need to travel by car, adding to the existing congestion. 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.

4.3.113 The concerns raised by the Parish Council and local residents with regard to traffic, highways safety and parking issues are noted. However, in the absence of an objection from the Highway Authority, it is the officer's view that these would not be sustainable reasons to withhold planning permission. It is acknowledged that there would be some adverse impact on the highway network (for example increased congestion), which although do not amount to a reason for refusal, would contribute towards "moderate other harm" in the overall planning balance – to be afforded moderate weight.

Environmental considerations

Drainage and flooding

4.3.114 Under Policy CD1 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 was accompanied by a Flood Risk Assessment. Initially the Lead Local Flood Authority (LLFA) raised an objection in the absence of an acceptable flood risk assessment. A further Flood Risk Assessment and Surface Water Drainage Strategy (Revision C – December 2018) was submitted. The Lead Local Flood Authority were re-consulted and following a review of the additional information, they confirmed that they had no objection on flood risk grounds and recommended conditions. However, given the passage of time all statutory consultees were reconsulted and the Lead Local Flood Authority now raise an objection, as they have some concerns over the discharge location and surface water flooding in the wider area based on the updated Environment Agency surface water flood maps. An updated Flood Risk Assessment and further information was requested.

4.3.115 An updated Flood Risk Assessment and Drainage Strategy was submitted and the LLFA were consulted; but maintained their objection. The applicant submitted a response from their drainage consultant following the LLFA's comments. The LLFA, Thames Water, Affinity Water and Anglian Water were all reconsulted. The summary in the applicant's drainage consultant's letter reads as follows:

“The original scheme as presented proposed that part of the scheme would be drained to the south as per existing situation. The proposals sought to retain the existing Greenfield run off rate.

This was initially accepted by the relevant flood consultee back in 2018/2019 on the basis that if the proposed development would have no impact on the rate at which water leaves the site to the south compared to the existing situation there would be no change and so no reason to raise objection.

More recently concerns have been raised regarding the route of the surface water after it leaves the site due to the fact that this passes over third party land and in part is an overland flow which cannot be guaranteed in perpetuity.

As a result, an alternative scheme was developed to enable all surface water to discharge northwards to the Thames Water sewer. Thames Water have now confirmed in writing (copy attached) that if it is not possible / feasible to deliver a surface water drainage route to the south this can be accommodated to the north within its sewer.

A position has therefore been reached where a technical backstop solution is possible. That is if it is not possible to gain landowner agreement to provide formal drainage infrastructure across third land in perpetuity then Thames Water will accept the discharge to the north.

Therefore, it is now appropriate and reasonable to allow the planning application to progress to determination with a suitably worded drainage condition attached.

This will require the submission of a detailed drainage scheme. The scheme would be required to firstly investigate whether a route to the south over the third party land is technically and legally feasible and if so adopt that option. If this is found not to be possible any submitted scheme proposing to drain to the north would need to include appropriate evidence of the efforts made to secure the southern route.”

4.3.116 The LLFA have withdrawn their objection and recommended conditions set out below.

The conditions recommended by the LLFA require the submission and approval of a detailed drainage scheme before each phase of development; compliance with the submitted FRA and Drainage Strategy; submission and approval of a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles before development; and submission and approval of a management and maintenance plan for the SuDS features and drainage network upon completion of the drainage works. As such there are no sustainable reasons to withhold planning permission on the grounds of surface water matters.

4.3.117 Whilst an illustrative layout plan has been submitted as part of this application, this is indicative only and would not be an approved plan should outline planning permission be granted. It would be expected that the detailed design of the scheme submitted at the reserved matters stage would incorporate the SuDS features as an integral part of the scheme and ideally double up as usable public open space.

4.3.118 Thames Water, Affinity Water and Anglian Water have been consulted on the application, including both the original and amended drainage strategy. In relation to the original drainage strategy Thames Water raised no objections with regard surface water network infrastructure capacity or with regard to foul water sewerage network infrastructure capacity. They recommended an informative as there are public sewers crossing or close to the development. Thames Water – Buildover advised that the developer will need to approach them for a pre-planning application. Their sewer records don't indicate any shared drainage within the site, but there may be newly transferred sewers that they haven't yet mapped and aren't aware of. If the site owner finds shared drainage, the sewers may need to be diverted. Affinity Water provided

comments with regard to water quality, water efficiency and infrastructure connections and diversions which will be recommended as informatives. Anglian Water confirmed that the development would fall out of their statutory sewage boundary. Therefore, they have no comments. For completeness Thames Water, Affinity Water and Anglian Water were consulted on the drainage consultant's response to the LLFA objection. Anglian Water confirmed that the development would fall out of their statutory sewage boundary. Therefore, they have no comments. A further consultation response has been received from Thames Water. With regard to surface water drainage, Thames Water advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Thames Water would advise that with regard to foul water sewerage network infrastructure capacity they would not have any objection to the planning application, based on the information provided. They recommend an informative, as the proposed development is located within 15m of their underground waste water assets. A further response has not been received from Affinity Water and it assumed that there are no changes to their comments.

4.3.119 It is acknowledged that a number of objections and concerns have been raised by local residents regarding the proposal exacerbating existing issues with inadequate storm drainage, which results in surface water drainage issues (causing flooding during sustained rainfall), insufficient sewerage capacity, regular outages of potable water supply and existing issues with water leaks, blocked and burst water pipes/drains. Concerns were also raised with regards to impact on the River Mimram nearby and nearby nature reserves. A GWP Consultants report commissioned by local residents was submitted in the summer of 2017 (as part of the representation from Maze Planning) raising technical concerns on water-related issues relating to this application. They raised concerns with the proposed outline drainage strategy and concerns over groundwater resources impacts and drinking water pollution risk. Given that the water companies were consulted and have not raised any objections and given that the LLFA have removed their objection, it is the view of the officer that there would not be sustainable reasons to withhold planning permission on the grounds of water-related issues.

Ecology

4.3.120 The biodiversity impacts arising from the development of the site will also need to be considered. The application was accompanied a Preliminary Ecological Appraisal. During the course of the application and following consultation responses from Herts Ecology further information has been submitted on this matter including an Ecological Appraisal (amended) (May 2018), Great Crested Newt eDNA Survey Results – Technical Briefing Note (June 2018), Great Crested Newt Survey Reviews – Technical Briefing Note (May 2019) and Biodiversity Impact Assessment and Calculator – Technical Briefing Note (May 2019).

4.3.121 It is considered that the proposal would comply with Emerging Local Plan Policies SP12: Green Infrastructure, landscape and biodiversity as set out by Herts Ecology.

“The ELP states Sites will be protected, enhanced and managed in accordance with the hierarchy of designations and features. In this respect, the application site is a non-designated site that supports hedgerows, a priority habitat (as are all native broadleaved hedgerows everywhere), important at the site level. However, being improved grassland, the application site itself would have very limited current ecological value in the hierarchy of biodiversity sites. Its principle importance is that it lies immediately adjacent to a Local Wildlife Site

(LWS) to the south. Consequently, the site should be considered accordingly in respect of its value, retention of features and impacts locally, for which HE has raised no fundamental objections.

The ELP states biodiversity corridors – including hedgerows – should be protected, enhanced and managed. The proposals will retain the hedgerows other than for necessary access and additional buffering to the LWS is proposed. The LEMP will outline enhancements and future management of these features, although some of the hedgerows will form the boundaries of future gardens. The limitations of this would need to be considered against the status of the site and its allocation for development.

The ELP expects measurable net gains for biodiversity; these have been demonstrated above.”

4.3.122 During the course of this application there have been minor modifications to the Emerging Local Plan including the inclusion of Policy NEx: Biodiversity and geological sites.

4.3.123 Herts Ecology comment that: **“The ELP states permissions will only be created for proposals that protect, enhance and manage biodiversity in accordance with the hierarchy of designations and features in SP12. In this respect I consider this site is of local, or site value only and is of insufficient intrinsic value to justify ecology being a fundamental constraint.”**

4.3.124 The necessary ecological surveys have been undertaken and Herts Ecology **“...consider that the ecological surveys and information available to the LPA are therefore consistent with the ELP expectations.”** Existing hedgerows have been identified and proposed for retention, the LWS buffered and a LEMP (Local Ecological Management Plan) will be required by condition to direct subsequent management of the site.

4.3.125 The proposal does have the potential to impact on the adjacent Hollards Farm Local Wildlife Site. However, consistent with the ELP, an ecological survey has been completed and BNG has been considered, and measures are proposed to buffer the Local Wildlife Site.

4.3.126 Policy NEx: Biodiversity and geological sites states that:

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

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

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

4.3.128 Following consultation with Hertfordshire Ecology a parameter plan has been submitted, which indicates that there would be a 12m buffer adjacent to the Hollards Farm Landscape Wildlife site and 6m buffers to the rest of the southern boundary and part of the east and west boundaries.

4.3.129 Policy NEx – Biodiversity and geological sites states that:

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

4.3.130 A report by Aspect Ecology BNG (May 2019) has been submitted which describes the inputs and outputs of a Biodiversity Metric (Warwickshire V19). Hertfordshire Ecology calculate that there would be a net loss of 3.653 Biodiversity Units. This would need to be provided for a project offsite. As such Hertfordshire Ecology requested a s106 contribution of £43,620 at £12 / BU. Hertfordshire Ecology were reconsulted on the further information (parameter plan, amended illustrative layout and housing schedule) submitted and provided comments. They concluded as follows:

“The metric submitted is not the latest NE Version (3), and whilst this is preferred, neither this nor indeed BNG can be insisted upon in the absence of planning law or an adopted local plan which requires otherwise.

I have no reason to object to the principle of development on ecological grounds. I also consider that BNG is achievable although the metric should be revised to demonstrate a minimum of 10% BNG can be achieved, and the hedgerow figures revised to clarify the apparent anomaly. This should be achieved as a Condition of approval.”

A suitably worded condition has been recommended below.

4.3.131 Hertfordshire Ecology also made the following comments:

“Furthermore there should be 0.18 BU of hedgerow delivered offsite, although I consider this should be a greater figure given the degraded ecological context of the retained hedgerow components within and around parts of the site, given the loss of open grassland to roads and formal gardens.”

The on-site loss of hedges would have been considered in the BNG calculation to mitigated by the BNG s106 contribution, which has been secured. Given that Hertfordshire Ecology have not identified a suitable local project where hedgerows can be delivered off-site it was not considered reasonable to secure this by condition or s106 Agreement, particularly as BNG cannot be insisted upon in the absence of planning law or an adopted local plan which require this.

4.3.132 It is acknowledged that Herts and Middlesex Wildlife Trust (HMWT) have maintained their objection until the metric has been updated, the habitat units to be delivered onsite and offsite agreed, a transparent delivery mechanism and plan has been approved, and the ELP requirement for 12m of complimentary buffer habitat to hedges has been applied. However, given the response from Hertfordshire Ecology, the

statutory consultee, it is considered that there are no sustainable reasons to withhold planning permission on the basis of ecology and biodiversity matters.

4.3.133 As such, it is considered that on the whole, taking into consideration the marginal net gain on site (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

4.3.134 The application site is not located within an Area of Archaeological Significance (AAS). The nearest 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”.***

4.3.135 The Historic Environment Team initially raised an objection, as required investigations should be undertaken predetermination. The applicant submitted archaeological trial trench evaluation report and investigations suggest that the archaeological potential of the site is low and it is unlikely to contain any heritage assets.

4.3.136 The Historic Environment Advisor, Hertfordshire County Council, has commented that: ***“We note that a Heritage Impact Assessment and Archaeological field evaluation (Heritage Network) were previously carried out on this site, the results of which demonstrated low archaeological potential.”***

4.3.137 As such, no objection is raised in this regard and no conditions are recommended. The effect on archaeology is considered to be neutral.

Land contamination

4.3.138 The application is accompanied by 'Preliminary Land Contamination and Geotechnical Assessment'. Having considered the submitted report, the Council's Environmental Protection Officer has advised as follows:

“The Environmental Protection Team have no objection to this application. However, the application is for development to a land use which would be particularly sensitive to the presence of land contamination. Therefore, it is important that the potential risk from contamination, which may be present in soil beneath the site, be properly assessed and, if found to be necessary, dealt with in an appropriate manner.

The following report was submitted with the original application:

• Preliminary land contamination and geotechnical assessment, Ref: LBH 4433 Ver 1.4, by LBH Wembley, dated May 2017

The authors of this report conclude that there is no significant source of contaminants which may represent a risk to human health, and that therefore no further investigation is required relating to contamination on land. I agree with my former colleague, that this is not adequate, and that the potential for the

presence of agriculture related residues, other deposition of wastes and naturally elevated concentrations of contamination, must be taken into account.”

As such they recommend the standard land contamination condition requiring a preliminary risk assessment to be undertaken. 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

4.3.139 Paragraph 105 of the NPPF states that:

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

4.3.140 Paragraph 186 of the NPPF (under section ‘Ground conditions and pollution’) states that:

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

4.3.141 The Council’s approach and guidance to matters on air quality is outlined in the ‘North Herts Air Quality Planning Guidance (October 2018)’ document. The Council’s Environmental Health Officer has reviewed the documents submitted in support of the application and can confirm that there is no objection to the proposal in terms of local air quality. However, he has recommended conditions in line with the NHDC Air Quality Planning Guidance (October 2018). He advises that in accordance with NHDC guidance, the proposals of this scale and location define it as a ‘medium’ scale development and as such recommended an Electric Vehicle Recharging Infrastructure condition (and informative) and a residential travel plan condition to ensure that appropriate local air quality mitigation is provided. A Travel Plan has been submitted with the application, but he has advised how this needs to be amended to meet the requirements of the condition. As such, the effect on air quality is regarded as neutral.

Noise

4.3.142 No noise assessment was submitted with the application. Initially the Environmental Health Officer recommended a noise survey be submitted before the application is determined, but recommended a condition requiring a noise assessment prior to commencement should planning permission be granted. Given the passage of time the Environmental Health Officer has been recently re consulted and has said that there is potential for traffic noise to affect the proposed development and has suggested a condition requiring a noise assessment to be submitted and approved prior to commencement of development. They have also commented that there is the potential for the nuisance issues to arise during construction so has recommended a condition restricting working hours for construction activities and a condition requiring full details of a construction phasing and environmental management programme for the development to be submitted and approved by the Local Planning Authority prior to

commencement of development. They have also recommended an informative requiring that the guidance in BS5228-1:2009 (Code of Practice for noise control on construction and open sites) should be adhered to. As such, the effect on noise is regarded as neutral.

Impact on the residential amenity of existing local and neighbouring residents

4.3.143 To the north and west the site abuts the boundaries with dwellings in Cowards Lane and The Riddy. To the east the site abuts the boundary with Hollards Farm. This application is an outline application and all matters except access are reserved. All other matters appearance, landscaping, layout and scale would need to be subject to a reserved matters application. During the early stages of the application the owner of the adjacent site to the east, Hollards Farm, raised concern regarding the application site boundary, specifically the eastern and southern boundaries. It is understood from the agent that this issue was resolved and very minor variations were made to the eastern and southern boundaries shown on an amended site location plan, which was received prior to the re consultation carried out in January 2019.

4.3.144 The application is accompanied by an illustrative layout plan. Should planning permission be approved then this plan would not be an “approved plan”. It is for illustrative purposes only. It is the officer’s view that a scheme could be designed on the site in such a way to avoid harming the living conditions of the neighbouring properties in terms of loss of privacy, overshadowing and loss of light. It would be necessary for the landscaping to be increased along the boundaries with the neighbouring residential properties and for the built development to be set an appropriate distance off the boundaries. It is noted that the adjacent properties in The Riddy are single storey bungalows with fairly shallow rear gardens and minimal boundary screening so the relationship with these properties in particular will need to be carefully designed to ensure there are sufficient separation distances and adequate boundary treatment/landscape buffers. There is a high leylandii hedge along the boundary with Hollards Farm, albeit this is not within the ownership of the applicant. It is worth clarifying that this application is for “up to 83 dwellings”. Officers remain to be convinced that 83 dwellings can be comfortably accommodated on site, but this is an issue that will be assessed as part of the reserved matters application(s) when detailed layout plans are submitted as part of the application(s).

4.3.145 In light of the above, it is concluded 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. It is therefore considered that the construction phase of this proposal will have a small adverse impact.

Waste Management

4.3.4.146 The Waste and Recycling Team have raised no objections and have recommended standard conditions to cover vehicle movements and road construction and management arrangements. The Minerals and Waste Team Herts County Council have also recommended a Site Waste Management Plan condition. As such, the effect on waste management matters is regarded as neutral.

Loss of agricultural land

4.3.137 Paragraph 174 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. The Natural England classification Maps show the land around Codicote to fall within the good-moderate category. As such, 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

4.3.138 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; waste management); 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.

4.3.139 To achieve sustainable development the economic, social and environmental objectives set out in Section 2 of the NPPF must be met.

Whether the development would represent a sustainable form of development

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

4.3.141 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. As noted by the Inspector for the Heath Lane appeal:

“There would also be an increase in subsequent local household expenditure and demand for services. This would be appreciable given the scale of development, its physical proximity to services within the High Street, and the relatively self-contained nature of the village.”

4.3.142 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’). The development would be located within easy access 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 s106 contributions towards the school, scout hut and sports pavilion would provide a community benefit. Whilst it is acknowledged that these planning obligations are mitigating the sites impact on services, these

facilities would also be used by and be a benefit to the rest of the village. The development would be in accordance with sections 8, 11 and 12 of the Framework.

4.3.143 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 and harm would be reduced in the longer term, as planting matures. With regards 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 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

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

Whether there would be Very Special Circumstances

4.3.145 As set out earlier in this report, the proposed development would be inappropriate development in the Green Belt and there would be other harms including harm to the openness of the Green Belt and its purposes. Paragraph 11 of the NPPF states:

“Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

4.3.146 Footnote 8 reads:

“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

4.3.147 Paragraph 148 of the Framework states:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

4.3.148 Prior to discussing this application, it is worth highlighting the Inspector’s comments on “Very Special Circumstances” in the Heath Lane decision, which are pertinent to this application. The relevant paragraphs (102-107) are copied above, and a copy of the full decision is attached as an appendix. It is acknowledged that the Heath Lane application also addressed the urgency for school expansion. However, the Inspector made it clear that he attached very substantial weight to the critically needed housing benefits of the scheme. The granting of permission of the Heath Lane application will contribute to the provision of housing, including affordable housing within the village. However, this current application is still being assessed in the context of critically inadequate and deteriorating five-year housing land supply set against pressing housing needs and no recent local provision of affordable housing (notwithstanding the Heath Lane permission). As such it is the officer view that substantial weight should be attached to the critically needed housing benefits of the scheme.

4.3.149 The applicants for this Cowards Lane site contend that there are considerations that would outweigh harm arising from inappropriate development and any other harm to amount to very special circumstances.

4.3.150 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.

The delivery of market and affordable housing

4.3.151 The main consideration which weighs very strongly in favour of the application is that the proposals would make an important contribution of up to 83 residential units towards the Council’s significant five-year housing land supply (5YHLS) deficit.

4.3.152 Planning Policy Guidance outlines that on its own ***“unmet housing needis 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 1.47 years supply of housing, this matter attracts very substantial weight.

4.3.153 The proposal would contribute up to 83 dwellings towards housing land supply. There is currently a substantial shortfall in housing land supply of only 1.47 years

against an expectation of at least five years supply. This is a significant and serious deficit.

4.3.154 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 8 of Paragraph 11 of the NPPF. The latest results for Housing Delivery Test (2021) show that North Herts Council are failing to meet our Housing Delivery Target set by the government.

4.3.155 In responding to the pressing housing situation, a Housing Delivery Test Action Plan has been adopted by the Council. This recognises that housing sites currently within the Green Belt that are allocated in the CLP will remain subject to the test of very special circumstances (VSC). However, it proposes that it may now be appropriate to determine some sites in advance of the examination process 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.

4.3.156 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.

4.3.157 The proposed development would provide a total of 83 residential units, which represents an 'up-lift' to the emerging allocation figure of approximately 14% and is therefore broadly in accordance with the indicative figure of 73 homes as outlined under Policies HS1 and CD1 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. Whilst the application is for "up to 83 dwellings" and the layout is for illustrative purposes only, the applicant has provided a housing schedule. Overall, the dwelling mix would include 37% smaller units (1 and 2 bed units – 31 units in total) and 63% larger units (3 bed and above – 52 units) which adequately 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. It is recommended that the housing mix is subject to a condition.

Affordable Housing

4.3.158 There is also a pressing need for affordable housing and Policy HS2 of the ELP requires 40% affordable housing on sites over 25 units to address that need. The proposal would deliver up to 83 dwellings, 40% of which would be affordable. This would provide 65% rented tenure and 35% intermediate tenure and at a mix that meets the requirements of ELP Policy HS3 including the housing need identified in the Strategic Housing Market Assessment.

4.3.159 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 33 units (39.8%) if the provision of 83 dwellings is achieved on site. This is to be secured as part of the s106 legal agreement. It should

also be noted that the provision of 40% affordable units well exceeds Saved Policy 29A of the Saved Local Plan.

4.3.160 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 15 years (notwithstanding the Heath Lane permission). 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.

First Homes

4.3.161 The Government announced last year a new affordable housing product called 'First Homes'. These are discounted market sale housing. The introduction of First Homes was subject to a series of transitional arrangements. Some of these key transitional arrangements expired on 28 March 2022. At the time First Homes were announced it had been anticipated that a decision on adoption of the Council's new Local Plan would have taken place prior to the expiration of the transitional arrangements. However, it is now necessary to consider interim arrangements. National policy requiring the inclusion of First Homes is a material planning consideration on all applications where affordable units are sought.

4.3.162 Prior to the adoption of the ELP, officers recommend that any request to include First Homes as part of the affordable housing mix is considered on its merits on a case-by-case basis. The provision of First Homes will be supported where it would not adversely impact upon:

- the overall proportion of affordable housing that can be achieved on site having regard to the targets in Policy HS2 of the emerging Local Plan and saved Policy 29a of the 1996 District Local Plan;
- the proportion of rented housing that can be achieved on site having regard to the emerging Local Plan requirement for 65% of affordable homes to be rented;
- the mix of rented housing indicated as being required by the Council's Strategic Housing Market Assessment; and
- any other policy requirements or contributions that have been properly tested through the Local Plan examination.

4.3.163 The applicant was approached to see if they wished to provide First Homes, however they have concerns regarding First Homes. They have noted that the Council will be giving greater consideration to its position on First Homes as part of a review of the Strategic Housing Market Assessment and also Developer Contributions SPD later in the summer. They commented that until then i.e., until there is an official change in the Council's position, whilst First Homes can be viewed as a material consideration, it remains the case that the development plan is the starting point and the applicant proposes to remain in accordance with the previously agreed position on affordable housing mix in this context. For these reasons, the applicant does not wish to provide First Homes as part of the affordable offer in this case.

4.3.164 In the circumstances, officers consider that it would not be appropriate to include First Homes within the housing mix for this proposal and that the affordable housing mix proposed would reflect local housing need.

4.3.165 ELP Policy HS5 also sets out the required accessibility standards. This is something that can be secured at the reserved matters stage, and a condition has been required to secure this.

Conclusion on Market and Affordable Housing

4.3.166 There is clearly an urgent need to identify land in the District for market and affordable housing and the position is serious given the housing land supply and delivery shortfall. The council cannot demonstrate the minimum 5YHLS. The current land supply position reflects the previous years of undersupply of both market and affordable residential units across the district. Paragraph 60 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. In the circumstances, it is considered that very substantial weight should be given to the considerable housing benefits of the proposed development, which includes ELP compliant affordable housing contribution of 40%.

Allocation within the Emerging Local Plan

4.3.167 The Council's Emerging Local Plan (ELP) was submitted for Examination in 2017. This is ongoing. Hearings have been completed and the Inspector's report is awaited. The site benefits from a proposed allocation under Policy CD1 for an estimated 73 dwellings and the ELP proposes the whole site be removed from the Green Belt for development and incorporated within the settlement boundary of Codicote. This policy also contains detailed policy criteria for consideration in the determination of any relevant applications for planning permission.

4.3.168 Paragraph 48 of the National Planning Policy Framework (NPPF) reads as follows:

"Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

4.3.169 With regards to criterion (a) of paragraph 48, the ELP is well advanced. Whilst it is still at examination all hearings have taken place and consultations carried out on the further Minor Modifications. The Council's Green Belt evidence was subject to further examination sessions although the overall assessments of the contribution of this land to Green Belt purpose have not altered over the course of the examination.

4.3.170 Moreover, at the conclusion of the hearings in November and December 2020, the Inspector held a public 'wash-up' session with the Council to discuss the matters arising and next steps. The Inspector stated that moving 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 further consultation on further modifications. The Inspector undertook to write to the Council raising 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.

4.3.171 The Inspector issued Further Main Modifications and consultation on these were completed in July 2021. The Inspector's Final Report is now awaited.

4.3.172 The Inspector did not 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.

4.3.173 The Further Main Modifications did not propose altering or removing allocation CD1 therefore Officers consider that it is highly likely that this allocation will remain, and the land removed from the Green Belt, when it is eventually presented for adoption.

4.3.174 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 55 representations. These can be viewed on the Council's website. They were all objections except for a representation of support from the applicant for this application. There were no substantive objections from statutory consultees at either consultation stage.

4.3.175 In terms of criterion (c) of paragraph 48, several main modifications arising from the examination are to ensure consistency within the NPPF. Weight should be attributed to the relevant policies of the ELP in this context.

4.3.176 Therefore, Officers consider that in the light of the above significant weight should be given to relevant policies in the ELP including Policy CD1, which allocates the application site for housing and removes the site from the Green Belt. It is considered that significant weight should be given to this matter in the planning balance.

Additional Community Benefits

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

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

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

4.3.178 The site specific policy CD1 requires that: ***"Appropriate solution for expansion of Codicote Primary School to be secured to accommodate additional pupils arising from this site;"***

This would now be achievable as planning permission has been granted for the expansion of the school and this is made possible by the Health Lane appeal being allowed.

4.3.179 However, addressing the impact of the development on facilities and infrastructure (including expansion of Codicote Primary School) would be neutral in the planning balance and would not contribute to the case of 'very special circumstances' (VSC).

Economic Benefits

4.3.180 Paragraph 81 of the NPPF stipulates that significant weight should be placed on the need to support economic growth and productivity. This is particularly relevant during the ongoing COVID-19 pandemic and other pressures on the economy. There will be considerable economic benefits derived from the construction of the site. There will be employment for construction workers and resulting direct and indirect benefits to the local economy. There would also be economic benefits arising from the fitting out and furnishing of the new homes. There would also be ongoing benefits from the spending of future occupiers. Given the scale of the proposed development it is considered that significant weight should be given to this in the planning balance.

Benefits/harm table

4.3.181 Below is a table setting out the harms and benefits that would arise and the weight that Officers consider should be attributed to them in the planning balance.

Issue	Harm or benefit	Weight
Delivery of market housing	Benefit	Very substantial
Delivery of affordable housing	Benefit	Very substantial
Allocation for housing in the ELP and removal from the Green Belt	Benefit	Significant
Bio-diversity net gain	Benefit	Moderate
Economic impact	Benefit	Significant
New open space	Benefit	Limited to moderate
Impact on infrastructure (including education)	Neutral	Very limited
Inappropriate development in the Green Belt	Harm	Substantial
Impact on openness of Green Belt	Harm	Substantial
Impact on Green Belt Purposes	Harm	Moderate
Impact on the wider landscape setting	Harm	Moderate
Impact on character and appearance	Harm	Limited
Impact on traffic	Harm	Moderate
Impact on existing residents amenity	Harm	Limited
Impact on Heritage Assets	Harm (less than substantial)	Great
Loss of Agricultural Land	Harm	Limited
Land Contamination	Neutral	Neutral
Noise	Neutral	Neutral
Air Quality	Neutral	Neutral

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

Planning Obligations

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

“Planning obligations must only be sought where they meet all of the following tests⁴:

a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.”

4.3.184 Negotiations have taken place with the applicant and agreement reached on a range of matters that are included in a draft s106 Agreement. The s106 Agreement reflects that agreed on the Heath Lane application. These include the phased provision of 40% affordable housing and index-linked financial contributions towards the expansion of the primary school, towards secondary education, nursery education special educational needs and difficulties, library services and youth services. Also included are index-linked financial contributions towards a new Codicote Scout Hut, refurbishment of the sports pavilion at Bury Lane Sport field and contributions towards the expansion of bus service through Codicote – to improve the 44/45 and 314/315 bus routes or other such services that route through Codicote and sustainable transport contribution to be pooled towards scheme no. SM210 under Package 15 of HCC’s South-Central Growth and Transport Plan. The amounts calculated towards a new Codicote Scout Hut, refurbishment of the sports pavilion at Bury Lane Sport field and contributions towards the expansion of the 315 bus service through Codicote are proportionate to the site as contributions will be sought and pooled from the four major housing allocation sites in Codicote in the ELP. Please note that the bus stop improvements will be secured by condition in this case to ensure that they are carried out before the development is occupied. Provision of fire hydrants will also be secured by condition. Requirements for a Travel Plan and car club scheme have been included within the S106 Agreement. A contribution has been sought by the NHS for local GP services.

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

Element	Detail and Justification
Affordable Housing (NHDC)	On site provision of at least 40% affordable housing (33 affordable dwellings on the basis of 83 dwellings) based on at least 65% social/affordable rented units (units of mixed size) and 35% shared ownership units (units of mixed size).

⁴ Footnote 26 of the NPPF: Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

	<p>NHDC Planning Obligations Supplementary Planning Document</p> <p>Submission Local Plan Policy HS2 'Affordable Housing'</p>
<p>Primary Education educations (HCC)</p>	<p>Contribution of £800,368 (before indexing) towards the permanent expansion of Codicote Primary School</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p>
<p>Nursery Education (HCC)</p>	<p>Contribution (index linked) based on the HCC Guide to Developer Infrastructure Contributions (July 2021) towards additional capacity at Codicote pre-school</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p>
<p>Secondary Education contributions (HCC)</p>	<p>Contribution (index linked) based on the HCC Guide to Developer Infrastructure Contributions (July 2021) towards the expansion of Monks Walk School, Welwyn.</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p>
<p>Special Educational Needs and Disabilities (HCC)</p>	<p>Contribution (index linked) based on the HCC Guide to Developer Infrastructure Contributions (July 2021) towards the new East Severe Learning Difficulty School</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p>
<p>Library Services (HCC)</p>	<p>Contribution (index linked) based on the HCC Guide to Developer Infrastructure Contributions (July 2021) to go towards increasing the capacity of Knebworth Library or its future re-provision</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p>

Youth Services (HCC)	<p>Contribution (index linked) based on the HCC Guide to Developer Infrastructure Contributions (July 2021) towards a new, larger young people's centre in Welwyn Garden City</p> <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p>
Sustainable Transport contributions (HCC)	<p>Contributions to upgrade and improve sustainable transport as follows:</p> <ol style="list-style-type: none"> 1. £158,721 (before indexing) to be pooled towards scheme no. SM210 under Package 15 of HCC's South-Central Growth and Transport Plan 2. £117,500 (before indexing) towards the expansion of the bus service through Codicote – to improve the 44/45 and 314/315 bus routes or other such services that route through Codicote 3. £6,000 (before indexing) towards the assessment and monitoring of the Residential Travel Plan <p>Policy SP7 'Infrastructure requirements and developer contributions'</p> <p>Planning Obligations SPD and HCC Guide to Developer Infrastructure Contributions (July 2021)</p>
Travel Plan Remedial Measures Notice clause (HCC)	<p>Travel Plan Remedial Measures Notice clause – enabling the County Council to serve notice in writing on the Owner via the Travel plan Co-ordinator where the Owner has failed to meet one or more of the targets identified in the Travel Plan, and specifying the remedial measures and/or actions required to be taken by the Owner to remedy the failed implementation towards the agreed targets with a reasonable time provision.</p>
Ecological off-site compensation scheme (HCC)	<p>Contribution of £42,620 (before indexing) towards an off-site ecology/ biodiversity project.</p>
Monitoring Fees (HCC)	<p>Monitoring Fees – HCC will charge monitoring fees.</p> <p>These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (before adjusting for inflation).</p> <p>HCC Guide to Developer Infrastructure Contributions (July 2021)</p>
Car Club	<p>One of the visitors parking spaces (unless an alternative</p>

Scheme (NHDC)	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.
Health Services (NHDC)	Contribution of £58,747.67 (index linked) towards the reconfiguration of Bridge Cottage Surgery (Welwyn) to provide an extra consultation room Policy SP7 'Infrastructure requirements and developer contributions'
Community Centre/ Halls Contribution (NHDC)	Contribution of £139,234.78 (index linked) towards the re-building and replacement of Codicote Scout Hut Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD
Pitch Sports Contribution (NHDC)	Contribution of £31,206.42 (index linked) towards the refurbishment of Bury Lane Sports Pavilion Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD
Waste Collection & Recycling (NHDC)	Contribution based on NHDC Planning Obligations SPD (figures are before indexing): District Contributions: <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 Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD
Open space/ play space / landscape provision, management and maintenance arrangements (NHDC)	Open Space Scheme, Open Space Management Scheme and Play Space Scheme to secure the provision and long-term maintenance of the open space/landscape buffer, any SuDs infrastructure, and the play space (Local Equipped Area of Play). Fields in Trust Standards - which are inserted into the front of the (proposed) new Developer Contributions SPD. Policy SP7 'Infrastructure requirements and developer

	contributions'
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- 4.3.186 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. Depending on circumstances some of the figures are confirmed, as the costs of projects are known. However, as the application is outline and the number and mix of units is not yet agreed some of the contributions are not yet confirmed, but for County Council contributions will be in accordance with HCC Guide to Developer Infrastructure Contributions (July 2021) and for District Waste and Recycling contributions will be in accordance with NHDC Planning Obligations SPD.
- 4.3.187 Some of the provisions of the S106 agreement are designed to mitigate the impact of the development and these elements. Most notably the infrastructure contributions, are neutral in the planning balance. However, other provisions such as affordable housing meet an identified need and weighs very substantially in favour of the proposed development. Further agreed contributions towards sustainable transport, 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

- 4.3.188 Turning to the overall planning balance, the proposal is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt to which significant weight should be attributed as required by the Framework. The proposals would introduce up to 83 dwellings and associated infrastructure onto currently undeveloped land which would result in harm to the openness of the Green Belt, and this is attributed significant weight. There would be moderate harm to the purposes of the Green Belt. Further moderate harm has also been identified by virtue of encroachment into the countryside.
- 4.3.189 There would be some harm overall to the character and appearance of the area in terms of the rural setting of this part of Codicote.
- 4.3.190 There would be harm to the wider landscape surrounding the site, which is considered to be moderate.
- 4.3.191 There would be limited harm to heritage significance at the lower most end of the spectrum of less than substantial harm because of development within the setting of Listed Buildings on the High Street and hedgerows. Whilst great weight is to be given to that limited substantial harm, the public benefits of the proposal would clearly outweigh the less than substantial harm. This matter would not represent justification for refusal of planning permission in the light of the provisions of Paragraph 202 of the Framework and S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, in considering whether there are very special circumstances, this limited harm should be given great weight in the overall planning balance, as required by paragraph 119 of the NPPF.

4.3.192 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, given that the Highways Authority have not raised an objection. 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 Highways Authority have 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 harm which attracts moderate weight.

4.3.193 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.

4.3.194 Therefore, the additional environmental harm, to which weight has been attributed needs to be weighed in the balance against the matters which are considered in favour of the proposals and the aspects of the proposals which would result in wider benefits.

4.3.195 To reiterate, paragraph 148 of the NPPF states the following:

“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances will not exist unless the potential harm to the Green Belt by reason of appropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.”

4.3.196 Other considerations include those that have been afforded very substantial, significant, moderate or other weight, and these relate to benefits arising from the supply of market and affordable housing on this allocated site within the ELP, net gains in biodiversity, open space contributions and highway benefits. There are also other matters that are neutral in the planning balance.

4.3.197 As outlined above, the development is considered to represent a sustainable form of development. This is neutral in the planning balance. However, there is one main aspect which weighs heavily in favour of this proposed development, with a second key consideration providing further significant weight.

4.3.198 The first main aspect considered to weigh very heavily in favour of the proposed development is that proposal would bring forward up to 83 housing units, of which 40% would be affordable (up to 33 units). This report outlines that the Council is only able to demonstrate 1.47 years of housing land, 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 10 years. In the context of the Council's housing land supply situation and the historic undersupply, the provision of up to 83 dwellings, with 40% of those being affordable, in this case merits very substantial weight in favour of the proposed development

4.3.199 The second key consideration in favour of the proposal is the allocation of the site in the Emerging Local Plan (ELP), under Policy CD1. Officers consider that in the light of the above significant weight should be given to relevant policies in the ELP including Policy CD1, which allocates the application site for housing and removes the site from the Green Belt. It is considered that significant weight should be given to this matter in the planning balance. As discussed above the ELP is well advanced. Whilst it is still at examination all hearings have taken place and consultations carried out on the further Minor Modifications. The Council's Green Belt evidence was subject to further examination sessions although the overall assessments of the contribution of this land to Green Belt purpose have not altered over the course of the examination. 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 significant weight in favour of the proposal.

4.3.200 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. 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-term 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 (neutral weight), other matters weigh in favour of the development, most notably significant contributions towards sustainable transport, 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.

4.3.201 When taken together it is considered that the other considerations in this case clearly outweigh the harm that has been identified to the Green Belt, character and appearance, residential amenity and heritage and Very Special Circumstances exist to justify the development in the Green Belt as required by paragraphs 147 and 148 of the Framework.

4.3.202 As it is considered that Very Special Circumstances apply in this case, regard should be given to the provisions of paragraph 11 (d) of the NPPF and the tilted balance. This stipulates where the local planning authority cannot demonstrate a five year supply of deliverable housing sites the policies for which are most important for determining this application are out-of-date, unless the application of policies in the NPPF that protect areas or assets of particular importance (such as heritage assets and Green Belt) provides a clear reason for refusing the proposed development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It is considered that the assets of particular importance (Green Belt and heritage assets) do not provide a clear reason for refusing the development, and any adverse impact of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. Therefore, the development would accord with the NPPF and the development plan taken as a whole, and this points towards the grant of planning permission.

Summary and conclusion

4.3.203 It is your officers' view, applying the approach set out in paragraph 148 of the NPPF, that the other considerations identified, particularly those related to provision of market

and affordable 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 the provision of market and affordable housing in the context of a lack of a five-year housing land supply, has been supported by the Secretary of State in other decisions, most notably the Heath Lane decision.

Climate change mitigation measures

4.3.204 The application was not accompanied by an Energy and Sustainability Statement. This would be required at the Reserved Matters stage. A condition has been recommended to secure this. A condition has been imposed requiring EV re-charging points.

Pre-commencement Conditions

4.3.205 I can confirm that the applicant is in agreement with the pre-commencement conditions

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

6.1 That planning permission is resolved to be GRANTED subject to referral to the Secretary of State for Levelling Up and Communities, and subject to the following:

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

1. In accordance with approved plans

The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

2. Pre-commencement

Reserved matters (outline)

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

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

3. Time limit to submit reserved matters application

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

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Revised highway works plans and implementation (on site works)

Before commencement of the development, notwithstanding the details as shown on drawing number 2277-02 rev D (proposed access plan), a revised highway works/access plan shall be submitted to, and approved by, the Local Planning Authority (in consultation with the Highway Authority), which shows:

- The provision of a hardsurfaced pedestrian route internally within the site of at least 2 metres width, running parallel to Cowards Lane (on its southern side for the full extent of the site boundary), with a hardsurfaced pedestrian link at the north-western terminal point of this onto the Cowards Lane carriageway, also of at least 2-metres width.

Reason: To ensure pedestrians are safely and suitably accommodated on the highway network, in accordance with paragraphs 110 - 112 of the NPPF (2021).

5. Construction Traffic

Prior to the commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to 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 identify details of:

- o the phasing of construction and proposed construction programme.
- o the methods for accessing the site, including wider construction vehicle routing.
- o the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- o the hours of operation and construction vehicle movements.
- o details of any highway works necessary to enable construction to take place.
- o details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- o details of any hoardings.
- o details of how the safety of existing public highway users and existing public right of way users will be maintained.
- o management of traffic to reduce congestion.
- o control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels, and how it will be ensured dirty surface water does not runoff and discharge onto the highway.
- o the provision for addressing any abnormal wear and tear to the highway.
- o the details of consultation with local businesses or neighbours.

- o the details of any other Construction Sites in the local area.
- o waste management proposals.
- o signage

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

6. Environmental Health - Noise

Prior to the commencement of the development the developer shall carry out a noise assessment in accordance with relevant guidance and standards and a scheme for sound insulation and noise control measures shall be submitted for the Council's written approval. The approved scheme shall be implemented in accordance with the approved details in order to achieve the following internal noise targets:
Bedrooms (23.00 to 07.00hrs) 30 dB LAeq (8hour) and 45 dB LAm_{ax}(f)
Living rooms (07.00 to 23.00hrs) 35 dB LAeq (16hour)
Dining room / area (07.00 to 23.00hrs) 40 dB LAeq (16 hours). Once implemented, the scheme of measures shall be maintained in accordance with the approved details.

Reason: To protect the residential amenities of future residents.

7. Site Waste Management Plan

Prior to the commencement of the permission hereby approved, a Site Waste Management Plan must be submitted to and approved in writing by the Local Planning Authority in conjunction with the Spatial and Land Planning Team at Hertfordshire County Council. The Site Waste Management Plan approved pursuant to this condition shall thereby be followed and implemented throughout the construction of the development hereby approved.

Reason: To promote the sustainable management of waste in the county and minimise waste generated by development.

8. Fire hydrants

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

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

9. Landscaping

The landscape details to be submitted as reserved matters prior to the commencement of development shall include the following:

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

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

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

associated structures and equipment and any hardscaping proposed

d) details of any earthworks proposed

e) an arboricultural impact assessment showing the condition of the existing trees, detailing which trees, if any, are to be removed and which are to be retained and what new trees are to be planted. A detailed scheme for the protection of existing trees and hedges to be retained and an accompanying programme for implementation of the scheme.

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

10. Roman snail survey

Prior to commencement of development a survey of the habitats favoured by Roman snails should be undertaken by a suitably qualified Ecologist during May to August when the snails are in their optimum active period, and after recent rainfall, especially in warm, humid conditions. The subsequent report should provide mitigation, including licence requirement and details of translocation and a suitable receptor site, if required, and be submitted to the LPA for written approval prior to the commencement of development.

Reason: To ensure to ensure protected species are protected from harm in accordance with national legislation and local policy.

11. Tree protection

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

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

12. Energy and Sustainability

Prior to the commencement of development an Energy and Sustainability Statement shall be submitted to and approved by the Local Planning Authority. The development hereby approved shall be constructed in accordance with the approved Energy and Sustainability Statement, unless agreed otherwise in writing by the Local Planning Authority, and the identified measures shall be maintained and retained thereafter.

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.

13. Environmental Health - Air Quality Travel Plan

The works shall not proceed without the formal acceptance of a detailed Travel Plan, where the content of the travel plan is fully assessed prior to approval of objectives and targets with local authority officers.

The Travel Plan shall take account of the detailed guidance within the Air Quality and Planning Guidance, notably Tables 4 & 5, referencing the checklist in Appendix 5 and with reference to the Travel Plan Guidance' at www.hertsdirect.org .

- o The content of the travel plan shall be fully assessed prior to its approval in conjunction with local authority officers.
- o The agreed targets and objectives included in the travel plan are secured for implementation by mutual agreement of the local authority and the developer/applicant (normally by means of a Section 106 agreement).
- o The outputs of the travel plan (typically trip levels and mode split) are annually monitored against the agreed targets and objectives.
- o Should the travel plan not deliver the anticipated outputs or meet the targets and objectives further mitigation/alternative/compensation measures need to be identified and implemented.
- o A named co-ordinator is required for success of the travel plan.

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

14. BNG Metric

Prior to commencement of development the BNG Metric and Technical Briefing Note should be revised to demonstrate a minimum of 10% BNG can be achieved, and the hedgerow figures revised to clarify the apparent anomaly. The revised BNG Metric and Technical Briefing Note shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Reason: To ensure that the BNG Metric and Technical Briefing Note are revised and corrected in the interests of local biodiversity, ecology and the visual amenity of the site.

15. Ecology - Biodiversity and Landscape Management Plan

Prior to the commencement of development and any landscaping works, a Biodiversity and Landscape Management Plan (Landscape Ecological Management Plan) which details how the ecological units will be delivered as the part of the development shall be submitted to and approved in writing by the Local Planning Authority. It should address the aspirations of NPPF in achieving overall net gain for biodiversity, along with details on how it is planned to incorporate biodiversity as part of the development scheme, how the habitats within the site boundary will be managed to maintain long term biodiversity objectives, and if possible who will have the management responsibilities. As such the plan shall include the following:

- a) aims and objectives of management;
- b) existing and proposed features to be managed, including specific reference to improvements to retained hedgerows;
- c) species composition of habitats to be enhanced and created;
- d) a programme for implementation;
- e) the body or organisation responsible for implementation of the Plan; and

f) monitoring and remedial measures of the Plan.

The plan shall be implemented in accordance with the approved details and the programme as approved and the measures shall be maintained and retained thereafter.

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

16. Pre-occupation

Revised highway works plans and implementation (on site works):

Before first occupation of the development, detailed engineering drawings of the revised plan as approved by condition 4 above, shall be submitted to and approved by the Local Planning Authority (in consultation with the Highway Authority). Before first occupation of the development, the works as shown as these drawings shall be completed in full to the satisfaction of the Local Planning Authority.

Reason: To ensure the provision of a vehicle access and associated highway works which are safe, suitable, and sustainable for all highway users.

17. Off-site Highways works:

Notwithstanding the details as shown on drawing number 2277-02 rev D (proposed access plan), no dwelling forming part of the development shall be occupied until the following works have been completed in full:

- Pedestrian dropped kerbs and tactile paving either side of the Cowards Lane / spine road junction, with a suitable level of visibility from the tactile crossing points.
- Pedestrian dropped kerbs and tactile paving either side of the B656 / spine road junction.

- Measures to prohibit the parking of vehicles (e.g. double yellow lines) at the roadside of the B656 to ensure the necessary level of visibility from the site access, and from the pedestrian crossing points on the B656, are maintained in perpetuity.

Reason: To ensure pedestrians are safely and suitably accommodated on the highway network, in accordance with paragraphs 110 - 112 of the NPPF (2021).

18. Off-site Highways works (bus stops):

No dwelling forming part of the development shall be occupied until the two existing bus stops closest to the site along the B656 have been upgraded, to include raised Kassel kerbing. These works shall be completed before first occupation of any dwelling forming part of the development.

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

19. Highways - reserved matters details:

The detailed plans submitted in connection with approval of reserved matters shall show, to the satisfaction of the Local Planning Authority:

- The details of all hardsurfaced areas within the site. This includes, but is not limited to, all roads, footways, forecourts, driveways, parking and turning areas, and foul and surface water drainage.
 - The level of footway and carriageway visibility from each individual vehicle access, and the level of visibility from and around each main junction within the site, within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.
 - That service vehicles, including refuse and emergency vehicles, can safely and conveniently access and route through the site, to include the provision of sufficient turning and operating areas.
 - The provision of sufficient facilities for cycle storage.
- All these features shall be provided before first occupation and maintained in perpetuity.

Reason: To provide adequate visibility for drivers within the site, to promote alternative modes of travel, and for the overall free and safe flow of all site users.

20. Highways - Management of roads

No dwelling shall be occupied until full details of the proposed arrangements for future management and maintenance of the proposed roads within the development have been submitted to and been approved in writing by the local planning authority. The roads shall thereafter be maintained in accordance with the approved management and programme details until such time as an agreement has been entered into under the Highways Act 1980 or a private management and maintenance company has been established.

Reason: To ensure the long-term management and maintenance of the proposed roads.

21. Highways - Cycle parking

Prior to the first occupation of the development hereby approved details of siting, number and design of secured/covered cycle parking spaces shall have 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 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.

22. Waste and Recycling - Vehicle Movements/ Road construction

Prior to the construction of the final road surfacing of the development (but not prior to those works associated with operational/construction access), 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.

23. Waste and Recycling - Management arrangements

Prior to the commencement of the use hereby permitted and prior to occupation of the first dwelling the arrangements for the disposal of waste detailed on the approved plans shall be provided and information shall be provided on the management arrangements for the receptacles to facilitate their collection from a kerbside collection point. The approved arrangements shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

24. EV Recharging Infrastructure Condition

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

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

25. Lighting

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 scheme shall be implemented as approved and in accordance with an agreed programme/strategy, and the arrangements shall be maintained and retained thereafter.

Reason: In the interests of biodiversity and local amenity.

26. Other

Highways - Access

Before the new access onto the B656 is first brought into use, visibility splays of 2.4 metres by 93 metres to the north-west, and 2.4 metres by 51 metres to the south-east, shall be provided and permanently maintained, within which, there shall be no obstruction to visibility between 600 mm and 2.0 metres above the carriageway level.

Reason: To ensure construction of a satisfactory vehicle access, in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4.

27. Highways - Gradient

The gradient of the B656 access, the Cowards Lane access shall not be steeper than 1 in 20 for at least the first 15 metres from the edge of the carriageway which forms part of the public highway.

Reason: To ensure construction of a satisfactory accesses and in the interests of highway safety and amenity in accordance with Policy 5 of Hertfordshire's Local Transport Plan 4 (adopted 2018).

28. Environmental Health - working hours

During the demolition and construction no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00 hours and Sundays and Bank Holidays: no work at any time.

Reason: to protect the residential amenities of existing residents.

29. Bat roosting

If the Oak tree identified with low bat roosting potential (Ref: Ecological Appraisal, Landscape Planning May 2018) is proposed for removal, it should be soft-felled, where limbs are cut and left grounded over night to allow any bats to make their way out. 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.

Reason: To ensure protected species are protected from harm in accordance with national legislation and local policy.

30. Materials

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

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

31. Landscaping implementation

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.

32. Tree retention

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.

33. Tree replacement

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.

34. Removal of PD rights

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

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. Housing Mix

Prior to the commencement of above ground development and as part of Reserved Matters application(s), a housing schedule shall be submitted and approved by the Local Planning Authority, which sets out the dwelling mix, which should broadly reflect the proposed dwelling mix of 37% smaller units (1 and 2 bed units) and 63% larger units (3 bed and above), unless otherwise agreed in writing by the Local Planning Authority. The approved dwelling mix should be implemented on site.

Reason: To ensure that the development complies with Policy HS3 ('Housing Mix') of the ELP, which suggests a split of 40% smaller units and 60% larger units on edge-of-settlement sites.

36. Accessible and adaptable housing

Prior to the commencement of above ground development and as part of Reserved Matters application(s), a housing schedule shall be submitted and approved by the Local Planning Authority, which demonstrates that at least 50% of homes can be built to the M4(2) Accessible and Adaptable standard; and 10% of the affordable units can additionally be built to the M4(3) wheelchair user standard, unless otherwise agreed in writing by the Local Planning Authority. The approved details should be implemented on site.

Reasons: To ensure that the development complies with Policy HS5: Accessible and adaptable housing

37. LLFA - Reserved Matters

Before each phase of development approved by this planning permission, no development shall take place until such time as a scheme to manage surface water run-off has been submitted to, and approved in writing by, the local planning authority.

A detailed surface water drainage scheme should include:

1. Detailed layout drawings showing the location of all proposed SuDS features and associated infrastructure including annotations of surface water attenuation volumes
2. Detailed SuDS management train demonstrating source control measures, conveyances measures and attenuation features, prioritising above ground features and permeable materials in line with HCC SuDS Policies and best practice.
3. Demonstrate compliance with the approved drainage scheme at outline stage FRA and Drainage Strategy reference 203715 Rev 00 dated 17 May 2022 carried out by Scott White and Hookins, including the agreed discharge rate of 3.2l/s to the north into the existing Thames Water sewer.
4. Surface water exceedance routes for events above the 1 in 100-year event + climate change
5. Informal surface water flooding for any flooding from the drainage system during the 1 in 30-year event up to the 1 in 100 year + climate change event, with details of how it will be managed to ensure no increase in flooding to the built development and the surrounding area.
6. Detailed surface water calculations for all rainfall events from the 1 in 1 year to the 1 in 100 year + 40% for climate change
7. Half drain down time calculations for all infiltration/attenuation SuDS features
8. Adoption and Maintenance plan

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

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

38. LLFA - Compliance

The development permitted by this planning permission shall be carried out in accordance with the principles of the approved Flood Risk Assessment carried out by Scott White & Hookins reference FRA and Drainage Strategy reference 203715 Rev 00 dated 17 May 2022 carried out by Scott White and Hookins and the following mitigation measures:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off during the 1 in 100 year plus 40% for climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year plus climate change (40%) event.
3. Providing storage and treatment within four above ground attenuation ponds, swales and permeable paving
4. Mitigation measures to raise buildings 300mm
5. Discharge of surface water to an existing Thames Water sewer to the north at a rate of 3.2l/s

The mitigation measures shall be fully implemented prior to occupation and subsequently 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: 1. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

39. LLFA - Detailed design

No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change (40%) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The surface water drainage scheme should include:

1. Detailed, updated post-development calculations/modelling in relation to surface water for all rainfall events up to and including the 1 in 100 year return period, this must also include a +40% allowance for climate change.
2. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points into any storage features. If areas are to be designated for informal flooding, these should also be shown on a detailed site plan.
3. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
4. Exceedance flow paths for surface water for events greater than the 1 in 100 year including climate change allowance.
5. Implementing an above ground SuDS management and treatment train reducing the need for below ground attenuation.

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.

40. LLFA - Post development

Upon completion of the drainage works e, in accordance with the timing / phasing arrangements, 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 including the final drainage layout for site drainage network.
2. Maintenance and operational activities for the lifetime of the development.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

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. INFORMATIVES

Design informative

The proposal may be subject to Design Review at the Reserved Matters stage in line with Paragraph 133 of the NPPF and supporting paragraph 9.13 of the Emerging Local Plan Policy D1: Sustainable Design.

2. Off-site highways work Informative

The off-site highways works referred to in conditions X and X above shall include:

- Pedestrian dropped kerbs and tactile paving either side of the Cowards Lane / spine road junction, with a suitable level of visibility from the tactile crossing points.
- Pedestrian dropped kerbs and tactile paving either side of the B656 / spine road junction.
- Measures to prohibit the parking of vehicles (e.g. double yellow lines) at the roadside of the B656 to ensure the necessary level of visibility from the site access, and from the pedestrian crossing points on the B656, are maintained in perpetuity.
- The upgrading of the two existing bus stops closest to the site along the B656, including raised Kassel kerbing.

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

3. Highways Informatives

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website

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

AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx>

oads-and-pavements.aspx telephoning 0300 1234047.

AN3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

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

AN4) 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 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/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

AN5) Highway to remain private: The applicant is advised that new highway routes internally associated with this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website

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

AN6) Section 106 Agreement: Planning permission granted subject to the completion of a Section 106 Agreement between the applicant, North Hertfordshire District Council, and Hertfordshire County Council to secure the following:

A) A Sustainable Transport Contribution of £158,721 index linked by SPONS to January 2019, paid before commencement, to be pooled towards scheme number SM210 under Package 15 of Hertfordshire County Council's South-Central Growth & Transport Plan, to include (but not limited to) cycleway/footway improvements, traffic calming, new and improved signage, reduction in permitted traffic speed and other physical changes to road layout which will enhance facilities for pedestrians and cyclists and provide safer and more sustainable travel access options.

B) A bus service contribution of £117,500, index linked by RPI to January 2019 and paid before commencement, to improve the 44/45 and 314/315 bus routes or other such services that route through Codicote.

C) Travel Plan:

i) An approved Travel Plan at least 3 months before first occupation, consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote sustainable travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's Travel Plan Guidance (March 2020) or any subsequent replacement guidance.

ii) The Travel Plan is subject to an 'Evaluation and Support Contribution' totalling £6,000 (index linked by RPI from March 2014), payable before first occupation of the

development. This contribution is to cover the County Council's costs of administrating and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review. The applicant's attention is drawn to Hertfordshire County Council's guidance on Travel Plans in this respect.

iii) A Travel Plan Remedial Measures Notice clause within the Legal Agreement, enabling the County Council to serve notice in writing on the Owner via the Travel Plan Co-ordinator where the Owner has failed to meet one or more of the targets identified in the Travel Plan, and specifying the remedial measures and/or actions required to be taken by the Owner to remedy the failed implementation towards the agreed targets with a reasonable time provision.

D) Provision of a car club with at least 1 car club space and vehicle provision.

4. Ecology Informatives

Any significant tree/shrub works or removal should be undertaken outside the nesting bird season (March to August inclusive) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

In the unlikely event that a Badger is encountered during works, or evidence of badger presence is found, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England

Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains unsuitable for reptiles (or amphibians such as Great Crested Newts) to cross.

In the unlikely event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.

Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites. It should follow guidance from the Bat Conservation Trust and CIE 150:2003. Warm-white (long wavelength) lights with UV filters should be fitted as close to the ground as possible. Lighting units should be angled below 70° and equipped with movement sensors, baffles, hoods, louvres and horizontal cut off units at 90°.

5. Environmental Health Informative

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

6. Land contamination Informative

The Environmental Protection Team has a web-page that aims to provide advice to potential developers, which includes a copy of a Planning Advice Note on "Development on Potentially Contaminated Land and/or for a Sensitive Land Use" in use across Hertfordshire and Bedfordshire. This can be found on www.north-herts.gov.uk by searching for contaminated land, and I would be grateful if this information could be passed on to the applicants.

7. EV Informative

EV Charging Point Specification:

A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.

Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)

- o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
- o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
- o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
- o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>
- o UK Government is intending to issue legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov consultation response.

8. Thames Water Informatives

The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

There are public sewers crossing or close to this development. If the applicant is planning significant work near Thames Water sewers, it's important that they minimize the risk of damage. Thames Water will need to check that the development doesn't limit repair or maintenance activities, or inhibit the services Thames Water provide in any other way. The applicant is advised to read Thames Water's guide working near

or diverting their pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

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

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Thames Water Buildover Informative

The applicants will need to approach Pre App Build Over Team (Previously LA Team), Developer Services for a pre-planning application. They can find details here:

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development>

Thames Water sewer records don't indicate any shared drainage within the site, but there may be newly transferred sewers that they haven't yet mapped and aren't aware of.

If the site owner finds shared drainage, the sewers may need to be diverted, as Thames Water don't allow new builds over public sewers. The applicant will need to submit their pre-development application to Thames Water and then discuss any potential diversions with the engineer dealing with their application.

Please direct the applicant to connectright.org.uk where they can find advice on making their connections correctly. Where separate systems are provided for foul and surface water, the developer is legally required to use the respective systems and not connect foul drains to surface water drains and vice versa.

9. Affinity Water Informatives

Water Quality

You should be aware that the proposed development site is located within an Environment Agency defined groundwater Source Protection Zone (SPZ) corresponding to our Pumping Station (FULL). This is a public water supply, comprising a number of abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site then the appropriate monitoring and remediation methods will need to be undertaken.

Any works involving excavations below the chalk groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to

identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors".

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions in chalk stream catchments. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking, and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the developer will need to get in contact with our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal (<https://affinitywater.custhelp.com/>) or aw_developerservices@custhelp.com.

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

10. Waste and Recycling Informative

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

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

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

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

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

in.

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

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

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

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

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

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

For flats and commercial properties:-

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

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

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

- 7.0 Appendices
- 7.1 Appendix A – Heath Lane appeal decision
- 7.2 Appendix B – Heath Lane costs decision