

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

Date of expiry of statutory period: 20th December 2022

Reason for Delay

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

Reason for Referral to Committee

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

1.0 Relevant History

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

2.0 Policies

Supplementary Planning Documents

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

2.2 National Planning Policy Framework

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 6: Building a strong competitive economy
Section 8: Promoting healthy and safe communities
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 13: Protecting Green Belt land
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

2.3 North Hertfordshire District Local Plan 2011 – 2031

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

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

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

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

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

2.4 Hertfordshire County Council

Local Transport Plan (LTP4 – adopted May 2018)

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

2.5 National Planning Practice Guidance

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

2.6 Draft Neighbourhood Plan

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

3.0 Representations

3.1 Codicote Parish Council

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

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

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

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

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

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

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

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

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

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

3.3 **Hertfordshire Ecology**

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

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

3.4 Herts and Middx Wildlife Trust

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

3.5 Lead Local Flood Authority

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

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

3.6 Landscape and Urban Designer

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

3.7 Conservation Officer

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

3.8 Crime Prevention Design Advisor, Hertfordshire Constabulary

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

3.9 Environmental Health (Noise)

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

3.10 Environmental Health (Contaminated Land)

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

3.11 Environmental Health (Air Quality)

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

3.12 Historic Environment Team (Archaeology)

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

3.13 HCC Fire and Rescue Services

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

3.14 The Water Officer, Hertfordshire County Council

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

3.15 Waste and Recycling Team, North Herts Council

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

3.16 HCC Minerals and Waste Team

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

3.17 Environment Agency

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

3.18 Thames Water

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

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

3.19 Affinity Water

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

3.20 Anglian Water (Planning and Capacity Team)

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

3.21 CPRE Herts

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

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

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

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

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

3.22 Service Manager, Greenspace

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

3.23 Housing Supply Officer

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

3.24 HCC Growth and Infrastructure Team

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

3.25 NHS East and North Hertfordshire Clinical Commissioning Group

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

3.26 Neighbours and local residents

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

The objections and issues raised are summarised as follows:

Green Belt, Local Plan and Prematurity

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

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

Infrastructure and services

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

Highways, traffic, access and parking

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

Impacts on amenity

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

Other issues

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

Other suggestions from local residents

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

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

4.0 Planning Considerations

Site & Surroundings

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

Proposal

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

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

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

4.1 **Key Issues**

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

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

Recent appeal decisions and permissions in Codicote

Heath Lane appeal

4.1.2 A key material consideration in the determination of this application is the recent appeal decision at Land South of Heath Lane, Codicote ref. PP/X1925/W/21/3273701 (Heath Lane appeal). An application (Heath Lane application) was submitted in 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 relates to allocated housing site CD5 in the Local Plan. This application was referred to Planning Committee in March 2021 with an officer recommendation for approval. The application was refused by Planning Committee. The applicant submitted an appeal to the Planning Inspectorate against the Council's decision. The application was allowed at appeal. The Heath Lane appeal decision granted planning permission for 167 dwellings on the judgement that very special circumstances apply. This appeal will be referred to throughout the report as the "Heath Lane appeal". The Inspector's assessment of the Heath Lane site is of relevance to the assessment of this current application. It is the officer's view that the Heath Lane appeal decision, by enabling the expansion of the school, has "unlocked" the other sites in Codicote, which are proposed housing allocations in the Emerging Local Plan.

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

Policy background and the principle of development

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

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

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

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

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

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

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

villages; and

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

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

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

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

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

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

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

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

- 4.1.9 Paragraph 138 reads as follows:

“Green Belt serves five purposes:

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

b) to prevent neighbouring towns merging into one another;

c) to assist in safeguarding the countryside from encroachment;

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

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

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

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

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

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

The delivery of market and affordable housing

Five year land supply

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

Housing numbers

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

Housing mix

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

Affordable Housing

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

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

First Homes

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

Conclusion on Market and Affordable Housing

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

Impact on heritage assets

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

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

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

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

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

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

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

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

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

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

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

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

Impact on the character and appearance of the area

Design, layout and landscaping

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

Paragraph 130 of the NPPF states:

- 4.1.34

“Planning policies and decisions should ensure that developments:

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

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

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

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

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

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

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

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

Local Plan Policy SP9: Design and Sustainability States that:

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

"Summary

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

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

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

Key recommendations

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

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

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

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

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

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

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

Layout

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

Pedestrian and cycle links

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

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

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

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

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

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

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

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

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

Parking courts

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

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

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

Density

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

Building heights

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

Appearance

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

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

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

Living conditions

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

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

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

Open space standards

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

Landscaping

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

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

- 4.1.62 There is an existing community orchard to the north of the application site within the ownership of the applicant. The Design, Access and Landscape Statement sets out plans to retain and enhance this orchard.
- 4.1.63 Main modification MM225/FM121 added the following site-specific criteria for this allocated site CD2 and it reads as follows: ***“Retain and strengthen existing boundary hedgerows.”*** Indeed, Paragraph 283 on the Inspector's Report states: ***“Notwithstanding that, the site is reasonably well contained by hedgerows. This will help to reduce the adverse Green Belt impacts. To ensure that outcome, Policy CD2 should require that the hedgerows to be retained and strengthened. Main modification MM225/FM121 adds such a requirement accordingly and is necessary for effectiveness.”***
- 4.1.64 The plans (including the tree protection plan in the Arboricultural Impact Assessment) indicate that all of the trees (predominantly Poplar trees) and shrubs would be removed along the northern boundary, as they are not of sufficient quality to be retained. The applicants have provided justification for this. The Tree Survey identifies that all trees within this tree belt are either category U or category C trees and their structural position are all categorised as 'poor', as a result they have been recommended for removal and replacement. Taylor Wimpey's Arboriculturist has visited the site to review the trees in question but has arrived at the same conclusion.
- 4.1.65 An updated Arboricultural Impact Assessment was submitted to provide greater justification for the removal of this declining tree belt. The applicant maintains that retention of this collection would go against British Standard guidance and it would be a missed opportunity if they were not replaced with trees of improved outlook that offer greater benefits to the ecosystem and biodiversity, as well as visual amenity.
- 4.1.66 It is a shame in the short term for the existing trees and shrubs, in particular the Poplar trees, to be removed. However, in visual terms it may well be better that this boundary is carefully landscaped with replacement structural tree and shrub planting that has longevity. The proposed development would be highly visible from the north in the short term, but its impact would be softened over time as the proposed landscaping matures. The fact that a solid tree belt is not being proposed is welcomed as it would allow glimpses of the development from public views when approaching the village. The recommended landscaping condition sets out a requirement for a detailed planting specification schedule for the area on the Northern Open Space Planting Plan including the attenuation basin and northern boundary of the housing site (including sizes, numbers/densities, species, maturity and location of trees/shrubs/plants and sufficient specification to

ensure successful establishment and survival of new planting).

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

Summary of impact and character and appearance of the area

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

Impact on the wider landscape setting

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

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

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

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

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

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

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

Summary of impact on wider landscape and visual setting

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

Impacts on the local highway network, access and parking

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

Access

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

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

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

- 4.1.84 Paragraph 108 of the NPPF states that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Parking provision

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

garage or secure area provided within curtilage of dwelling”.

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

Mitigation measure

- 4.1.102 Paragraph 110 of the NPPF states that -

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

4.1.103 Policy T1 of the Local Plan also states that:

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

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

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

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

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

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

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

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

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

- 4.1.110 The s106 Agreement also includes a requirement for provision of a car club with at least 1 car club space and vehicle provision.
- 4.1.111 A condition is recommended requiring a Construction Traffic Management Plan to minimise construction impacts. The Highways Officer has advised that this plan must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. This condition has been combined with a similar condition recommended by the Environmental Health Officer.

Travel Plan Statement

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

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

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

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

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

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

Environmental considerations

Drainage and Flooding

4.1.116 Policy CD2 sets the following site specific criteria:

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

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

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

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

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

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

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

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

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

Ecology

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

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

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

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

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

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

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

4.1.128 Policy NE4 – Biodiversity and geological sites states that:

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

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

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

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

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

Archaeology

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

Land contamination

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

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

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

Air quality

- 4.1.136 Paragraph 105 of the NPPF states that:

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

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

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

4.1.138 Local Plan Policy D4: Air Quality states:

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

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

Noise and light

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

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

combined with a similar condition recommended by the Highways Authority.

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

Waste and Recycling Management

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

Other

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

Summary on environmental considerations

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

Whether the development would represent a sustainable form of development

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

Economic Benefits

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

Social Benefits

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

Environmental Benefits

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

Summary on sustainability

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

School expansion

- 4.1.154 The applicant's Planning Statement states that:

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

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

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

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

4.1.157 The site-specific policy CD2 requires that:

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

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

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

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

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

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

Climate change

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

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

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

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

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

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

Statement of Community Involvement

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

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

Planning Obligations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary and conclusion

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

For decision-taking this means:

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

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

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

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

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

Climate change mitigation measures

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

Pre-commencement Conditions

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

5.0 Legal Implications

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

6.0 Recommendation

- 6.1 That planning permission is resolved to be GRANTED subject to the following:
- A) The completion of a satisfactory legal agreement and the applicant agreeing to extend the statutory period in order to complete the agreement if required and;
 - B) The following conditions and informatives:
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
 2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.
 3. (a) Except from enabling works (see enabling works informative for definition), no development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
(b) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
 - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
 - (ii) The results from the application of an appropriate risk assessment methodology
(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation

Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

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

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

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

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

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

4. No development except for enabling works (see enabling works informative for definition), shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme and methodology of site investigation and recording as suggested by the evaluation
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

Reason: To safeguard the archaeological record.

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

Reason: To safeguard the archaeological record.

6. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4. and the provision made for analysis and publication where appropriate.

Reason: To safeguard the archaeological record.

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

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

- Construction vehicle numbers, type, routing.
- Access arrangements to the site.
- Traffic management requirements.
- Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas).
- Siting and details of wheel washing facilities (for construction vehicles leaving the site).
- Cleaning of site entrances, site tracks and the adjacent public highway.
- Timing of construction activities/hours of construction operations (including delivery times and removal of waste) and to avoid school pick up/drop off times.
- Provision of sufficient on-site parking prior to commencement of construction activities.
- Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas.
- Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes, and remaining road width for vehicle movements.
- Phasing Plans.
- Measures to minimise dust, noise, machinery and traffic noise impacts during construction.
- The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures.
- Screening and hoarding details, to protect neighbouring residents.
- End of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local Planning Authority.
- Storage and removal of building waste for disposal or recycling.
- Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

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

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

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

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

Reason: In the interests of highway safety

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To protect the residential amenity of future residents.

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

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

Reason: In the interests of biodiversity and local amenity.

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

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

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

Reason: To prevent its spread and any legal infringement.

21. Notwithstanding the information submitted with the application, prior to commencement of development except from enabling works (see enabling works informative for definition), full landscape details shall be submitted and approved in writing by the Local Planning Authority and shall include the following:
- a) which, if any, of the existing vegetation is to be removed and which is to be retained

- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure and associated structures and equipment and any hardscaping proposed
- d) details of any earthworks proposed
- e) detailed planting specification schedule for the area on the Northern Open Space Planting Plan (drawing no. 6729.NOS_PP.4.0) plan including the attenuation basin and northern boundary of the housing site (including sizes, numbers/densities, species, maturity and location of trees/shrubs/plants and sufficient specification to ensure successful establishment and survival of new planting).

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

22. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

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

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

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

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

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

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

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

25. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

26. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

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

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

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

Reasons: To reduce carbon emissions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

INFORMATIVES

1. Enabling works Informative

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

2. Highways Informatives

Off-site highways work Informative

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

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

Other Highways Informatives

AN1) Planning Obligation:

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

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

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

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

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

AN2) Construction standards for works within the highway: The applicant is advised that to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The requirement as part of the offsite s278 works includes but is not limited to:

☐ Improvements to the existing access junction.

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

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

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

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

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

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

AN3) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion

of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

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

AN4) Roads to remain private: The applicant is advised that all new roads* / the access routes marked on the submitted plans * / the access routes associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road, and the developer should put in place permanent arrangements for long-term maintenance.

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

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

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

Further information is available via the website:

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

3. EV Recharging Infrastructure Informative

1) EV Charging Point Specification:

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

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

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

☐ The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).

☐ If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk

assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.

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

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

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

4. Environmental Health Informatives

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

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

5. Land contamination Informative

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

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

6. Thames Water Informative

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

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

7. Affinity Water Informatives

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

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

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

8. Waste and Recycling Informative

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

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

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

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

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

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

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

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

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

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

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

For flats and commercial properties:-

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

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

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