

<u>Location:</u>	Land At Oakleigh Farm Codicote Road Welwyn Hertfordshire AL6 9TY
<u>Applicant:</u>	Kingshall Estates (uk) Ltd
<u>Proposal:</u>	Cross Boundary Application: Erection of 7 x 4-bed detached dwellings with associated detached garages, parking and amenity areas following demolition of all existing buildings and structures. Change of use of eastern section of land to paddock and alterations to existing access road. (as a variation of planning permission 20/00598/FP granted 29.09.2021) (amended by plans received 13/12/23, 03/06/24 and 17/06/2024)
<u>Ref. No:</u>	23/02719/FP
<u>Officer:</u>	Andrew Hunter

Date of expiry of statutory period:

21 February 2024

Reason for delay and Extension of statutory period:

Negotiations with the applicant, re-consultation following amended plans, and Committee cycles.

Reason for referral to Committee:

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

1.0 **Relevant Site History**

NHDC

- 1.1 20/00598/FP - Erection of 7 x 4-bed detached dwellings with associated detached garages, parking and amenity areas following demolition of all existing buildings and structures. Change of use of eastern section of land to paddock and alterations to existing access road – Refused 11/02/21 for:

1. The proposed development constitutes inappropriate development in the Green Belt and causes harm to the openness of the Green Belt. In addition to the harm by reason of inappropriateness, other harm is identified in relation to one of the purposes of including land in the Green Belt and the impact on the character and appearance of the area. The harm by reason of inappropriateness, and the other harm identified, is not clearly outweighed by other material planning considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposal does not comply with Policies 2 and 3 of the 1996 Adopted Local Plan; Policies SP1, SP2, SP5 and D1 of the Emerging Local Plan; and Sections 12 and 13 of the National Planning Policy Framework.

Allowed on appeal 29/09/21.(Planning Inspectorate ref. APP/X1925/W/21/3269379)

Welwyn Hatfield Borough Council part of site

- 1.2 6/2020/0714/MAJ - Change of use of land from general industrial and storage (B2 and B8) to dwelling houses (C3) to facilitate erection of 7x dwellings following demolition of existing buildings – Refused 26/11/20 for the following reasons:
 1. The proposed development constitutes inappropriate development in the Green Belt and causes harm to the openness of the Green Belt. In addition to the harm by reason of inappropriateness, other harm is identified in relation to one of the purposes of including land in the Green Belt and the impact on the character and appearance of the area. The harm by reason of inappropriateness, and the other harm identified, is not clearly outweighed by other material planning considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposal would therefore be contrary to policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policies SADM 1 and SADM 34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, the Supplementary Design Guidance 2005 and the National Planning Policy Framework 2019.
 2. The applicant has failed to satisfy the sustainability aims of the plan and to secure the proper planning of the area by failing to ensure that the development proposed would provide a sustainable form of development in mitigating the impact on local infrastructure and services which directly relate to the proposal and which is necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required financial contributions and retention of the paddock as open land by any method other than a legal agreement and the proposal is therefore contrary to Policies IM2 and H2 of the Welwyn Hatfield District Plan 2005, policies SADM 1 and SP 13 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, and the National Planning Policy Framework.

Allowed on appeal 29/09/21.

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan 2011-2031**

Policies:

SP1 – Sustainable development in North Hertfordshire

SP2 – Settlement Hierarchy and Spatial Distribution
SP5 - Countryside and Green Belt
SP6 – Sustainable transport
SP7 – Infrastructure requirements and developer contributions
SP8 - Housing
SP9 – Design and sustainability
SP11 – Natural resources and sustainability
SP12 – Green infrastructure, landscape and biodiversity

T1 – Assessment of transport matters
T2 – Parking
HS3 – Housing mix
D1 – Sustainable Design
D3 – Protecting Living Conditions
D4 – Air quality
NE2 – Landscape
NE4 - Biodiversity and geological sites
NE8 – Sustainable drainage systems
NE11 – Contaminated land

2.2 **National Planning Policy Framework**

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

3.0 **Representations**

3.1 **Neighbouring Properties:**

Two objections have been received on the following grounds:

- New trees may cause damage and dewatering of my garden.
- New trees will impact on right to light.
- Fixed open gate will prevent hedge maintenance.
- Fence posts appear to be on our land.
- Vibration and noise from traffic calming ramp.
- Increased traffic.

Two comments in support were received on the following grounds:

- Good local housing.
- Uses available land.
- Not object to removal of Conifers provided new planting shown is done.

3.2 **Parish Council:**

No comments received.

3.3 **Statutory Consultees:**

3.4 Environmental Health (Noise/ Air Quality) – No objections.

3.5 Waste and Recycling – Happy to approve.

3.6 Herts Ecology - Application can be determined with no ecological objections.

3.7 Hertfordshire County Council highways officer – Does not wish to restrict the grant of permission.

The Highway Authority has previously issued a response dated 9th April 2024 which raised no objection subject to the inclusion of recommended conditions and informatives. When the Highway Authority recommended 'no objection' the applicant was proposing a 2m width footway along the access road.

The applicant has now submitted a new proposal (Drawing No.19367-OAKL-5-110 REV F) which includes a 1.2m width footway. Whilst this is not in-line with current standards, it is noted that the Planning Inspector under application APP/X19925/W/21/3269379 allowed a 1.2m width footway. Therefore, the Highway Authority does not object.

Conclusion

All conditions and Informatives recommended in the previous Highway Authority statutory consultee response dated 9th April 2024 remain applicable, however the Drawing Numbers recommended in Condition 02 need replacing from 19367-OAKL-5-110 Rev C & 19367-OAKL-5-103 Rev B to Drawing Nos.19367-OAKL-5-110 REV F & 19367-OAKL-5-103 Rev C.

3.8 Welwyn Hatfield Borough Council – Welwyn Hatfield Borough Council would like to highlight that the previous approved scheme (allowed at appeal) required by condition the provision of a paddock area to the northeast corner of the site and this element appears to have been omitted from the current scheme. It is noted that the submitted planning statement suggests no changes are proposed to the Paddock area however it is no longer included within the red line boundary of the application site.

Therefore, concerns are raised in this regard. It is also acknowledged that there are alterations proposed to the garages which results in increases to their scale and appearance. As the application is located within the Metropolitan Green Belt, we trust due consideration of the development's impact on the Green Belt will be undertaken during the assessment of the application to ensure it is in accordance with local and national planning policy.

- 3.9 North Herts Council Ecologist – Will not be responding.
- 3.10 HCC Archaeologist – We consider that the proposal is unlikely to have a significant impact on heritage assets of archaeological interest.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site comprises land that was previously occupied by buildings used for industrial, storage, and equestrian purposes – these buildings were removed late last year. A rectangular area in the north-east corner of the site is used as open-air storage, parking and waste for building and construction. The western third of the site is within NHDC land, with the other two-thirds within Welwyn Hatfield district.
- 4.1.2 The site is connected by an internal access road, which extends to the south and west to provide vehicular access to public highway Codicote Road. Ground levels are highest in the north-west corner and fall to the east and south. The access drive adjacent to No. 85 Codicote Road is lower than that road, and includes an area of hardstanding that can be used for passing or parking.
- 4.1.3 The boundary of the site with No. 85 is comprised of fences and vegetation varying in height from 1.8m to 0.5m, lowering to the east. The west boundaries of the site with adjoining properties on Codicote Road is comprised of 1.8m high fences, and hedges and trees varying in height from approx. 2m to 10m. Trees at least 5m high comprise the north boundary. The site boundaries to the east are more open with some low-rise fencing.
- 4.1.4 The character of the locality is more rural, particularly around the northern part of the site, where adjoining land is agricultural. Oakleigh Farm adjoins the east boundary of the site, with the main farmhouse east of the site to the south. Equestrian land and a manège adjoin the south-east boundary. Adjoining the west boundary of the site are dwellings to the south, and a commercial/industrial estate to the north. The north-west boundary of the site comprises a belt of woodland with the large grounds of a dwelling beyond. The site is within the Green Belt.

4.2 **Proposal**

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

of the site would be changed to a paddock. The works would also include new fixed open timber gates near the site entrance, new low-level lighting posts along the access road, a vehicular and pedestrian gate in the northern part of the site, and new soft landscaping/planting.

4.3 Key Issues

4.3.1 The key issues for consideration are as follows:

- The acceptability of the principle of the proposed works in this location.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area, including landscaping and trees
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- Future living conditions of occupants
- The impact that the proposed development would have on car parking provision and the public highway in the area.
- The impact that the proposed development would have on ecology and protected species.
- The impact of the proposal on drainage and flood risk.

Principle of Development:

- 4.3.2 When the original planning application 20/00598/FP was allowed on appeal, the Inspector determined that the development was not inappropriate development in the Green Belt, as the proposal would not have a greater impact on openness than the existing development at that time. The conversion of the open storage area was also found to be beneficial to the openness of the Green Belt.
- 4.3.3 Since the appeal decision there has been a change in the material circumstances relating to the site in that the existing buildings have been demolished and their uses have ceased, with only the open storage area remaining (which now appears to be used for storage purposes associated with the clearance of the site).
- 4.3.4 The planning permission granted on appeal expires on 29 September 2024, therefore that permission remains extant and can be implemented, it is therefore a valid fall-back position and a material consideration that should be given significant weight in the determination of this application.
- 4.3.5 The main differences between the original approval and the current application are that the dwellings and garages are proposed to be larger in volume and size. The main changes are alterations to the previously approved single detached garages to double garages and car ports (with the Plot 1 garage including roof accommodation). In volume, the new proposal would be approx. 21.42% larger than the scheme allowed on appeal, amounting to a further 1144.81 m³.
- 4.3.6 The site is in the Green Belt. Policy SP5 of the adopted Local Plan states that the Council 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. Policy SP5 refers to the 2023 National Planning Policy Framework (NPPF) which sets out exceptions to inappropriate development in the Green Belt in paragraphs 154 and 155. These are:

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

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

155. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

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

4.3.7 Of the criteria in paragraphs 154 and 155, 154 g) was applicable to the proposal as the site was considered to be previously developed land (PDL) as part of the assessment of previous planning permission 20/00598/FP. The redevelopment of PDL is not inappropriate provided it would not have a greater impact on the openness of the Green Belt than the existing development.

4.3.8 The site however has been cleared of all buildings and structures, with only the open storage area in the NE of the site remaining. This clearance work was completed by December 2023 and the associated land uses have ceased (apart from the open storage area). The definition of PDL in the NPPF is materially relevant to whether the site can be considered PDL, which is:

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

4.3.9 The above definition includes land that was occupied by a permanent structure (which can include buildings), therefore I consider that the site can still be classed as PDL. The NPPF paragraph 154 g) states that new buildings should not have a greater impact on the openness of the Green Belt than the existing development. It is considered that this refers to the amount of development on a site at the time a planning application is determined.

4.3.10 As the site is now essentially empty of development, the proposed development would clearly have a greater impact on openness than the existing due to the construction of new buildings and hardstanding, and through the intensification of the use of the site. The current proposal would therefore be inappropriate development in the Green Belt, which is harmful by definition.

4.3.11 To further assess the proposed impacts on the Green Belt, the site is considered to contribute to purpose c) of para. 143 of the NPPF, which is to assist in safeguarding the countryside from encroachment.

4.3.12 Impacts on openness also need to be considered, with openness being the absence of development. Impacts on openness can be both spatial and visual. In this case, there would be a loss of both spatial and visual openness due to the proposed construction of the new buildings etc., and an intensification of the use of the site to residential.

4.3.13 Where development is inappropriate in the Green Belt, it should not be approved except in very special circumstances (VSC's), as stated in para. 153 of the NPPF. The applicant has put forwards VSC's in support of the application, which can be summarised as:

- The previous and extant similar planning permission at the site (reference 20/00598/FP).
- The similarities to that permission, which exists as a fall-back.

- New housing in light of the Council not having a five year supply of housing land.
- The increase in volume would not be harmful.
- Improvements to the approved scheme.

4.3.14 Taking the above VSC's put forwards into account, it is considered that the development proposed can be supported as the impacts on the Green Belt would be comparable to that of the extant permission. Were the original buildings remaining still, the proposed dwellings and garages would be approx. 23% larger than them, which is considered would comply with 154 g) of the NPPF.

4.3.15 A further material consideration in support of the proposal is that the creation of a paddock from an existing area of open storage would be beneficial to the visual openness of the Green Belt, which was also stated by the Appeal Inspector in para. 11 of that report. The proposal is considered acceptable in principle and complies with Policy SP5 of the Local Plan and Section 13 of the NPPF.

Character and appearance, landscaping, and trees:

4.3.16 The amount of development will be greater than that approved under 20/00598/FP, however it would continue the design approach of that development, with the dwellings remaining in the same NW part of the site. The dwellings and garages are considered to be of an acceptable quality of design, siting and spacing, and will overall have similar impacts to the permission 20/00598/FP.

4.3.17 The proposed access road and footpath would result in similar impacts on the site and locality as that originally approved under 20/00598/FP and are acceptable. There are no objections to the associated fencing, lighting posts, and planting/soft landscaping.

4.3.18 The applicant has included details of planting, which are acceptable. One tree will be removed that is not considered to be of significance, with many more trees planted to compensate, which is acceptable. The external materials are acceptable as they will be in accordance with those specified in a submitted document. The gates, fencing, and timber posts would be small, of low visual impacts, and in keeping with the more rural character and appearance of the site and locality. The layout and design of the proposed development is considered acceptable. The proposal complies with Policies SP9, SP12, D1 and NE2 of the Local Plan, and Section 12 of the NPPF.

Impacts on Neighbouring Properties:

4.3.19 The proposed access road and footpath would result in similar impacts to the closest neighbouring dwellings as that originally approved and are acceptable. The new gates, fencing, and lighting will be of a small size and height, and are acceptable. The dwellings and garages will be near an industrial/employment area, fields, and a strip of woodland, and will not harm residential amenity.

4.3.20 It is considered that illumination from the bollards would not be harmful to amenity as they will be at a low-level, and substantially obscured by planting and fencing. The Council's Environmental Health Officer has not objected to the development, which is given significant weight. Potential traffic noise is considered comparable to that from the original permission and is acceptable. Impacts from traffic will be comparable to that of permission 20/00598/FP and is acceptable. Maintenance would be a matter for the relevant parties

to determine. The detailed plans do not show new trees near No. 85. It is considered that the development can be carried out within the red-edged site area. Impacts on amenity are acceptable. The proposal complies with Policy D3 of the Local Plan.

Future living conditions

- 4.3.21 Paragraph 135 (f) of the NPPF states that “*decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users*”. Paragraph 135 (f) is largely reflected in Policy D1 of the Local Plan.
- 4.3.22 The size and quality of private areas of amenity are comparable to those approved under 20/00598/FP, as are outlook, light and privacy for the dwellings. There are however some minor differences where first floor side openings of Plots 1, 3, 4 and 5 would overlook their neighbouring plots. These openings are secondary, therefore if permission is granted, they could be required by condition to be obscure glazed. Future living conditions are acceptable. The proposal complies with Policy D1 of the Local Plan.

Highways and Parking:

- 4.3.23 Each dwelling will have at least two parking spaces, which complies with minimum Council standards and is acceptable. Dwellings will have at least one cycle space, including capacity in garages etc., which is acceptable. The two visitor parking spaces comply with minimum Council standards of 0.25 spaces per dwelling with a garage and are acceptable.
- 4.3.24 Internal manoeuvring and refuse collection arrangements are acceptable. The highways officer had not objected to the altered access road and footpath and their impacts on the public highway including the development as a whole, in the comments of 18 March 2024.
- 4.3.25 Following these comments, additional new and amended plans were provided by the applicant to provide further details of proposed highway works and vehicle tracking. The highways officer has not objected to, taking into account the grant of planning permission on appeal, which included a 1.2m wide footpath. In light of the response from Highway Authority, it is considered that the impact of the proposal on the local highway network is acceptable. Therefore, the proposal complies with Policies T1 and T2 of the Local Plan and Section 9 of the NPPF.

Ecology:

- 4.3.26 The proposal will have similar ecological impacts to the original approval, while there would be biodiversity net gains from new planting proposed. The County Council Ecologist has not objected, which is given significant weight. The proposal is not considered harmful to ecology and should be able to deliver a biodiversity net gain to comply with Policy NE4 of the Local Plan.

Drainage and flood risk

- 4.3.27 The earlier planning permission 20/00598/FP included a Flood Risk Assessment, which did not raise objections from the Lead Local Flood Authority (LLFA). The LLFA recommended three conditions be imposed on any permission granted, with similar conditions being placed on the allowed appeal decision.

4.3.28 The applicant has included various new plans and documents with this new application, which the LLFA have not provided comments on. The LLFA have objected to the Welwyn Hatfield Borough Council (WHBC) application, in the absence of an acceptable Flood Risk Assessment.

4.3.29 In response to this objection, the applicant has submitted a detailed response document and amended plans, which have been added to the file and the LLFA consulted on. While there is presently some uncertainty resulting from the absence of a response from the LLFA to NHDC, it is considered that the new documents could be subject to new or amended conditions recommended by the LLFA as these are technical matters. Therefore, approval is recommended subject to the imposition of additional planning conditions and/or amendment of recommended planning conditions as necessary. In conclusion on this matter, the proposal complies with Policies NE7 and NE8 of the Local Plan, which seek to reduce the risk of flooding and achieve sustainable drainage solutions for development.

4.4 **Balance and Conclusion**

4.4.1 This application was submitted before December 2023. Therefore, under the provisions of the NPPF the exemption from the requirement to identify a 5-year supply of deliverable housing sites does not apply to this application. It is estimated that the current housing supply is about 3.5 years and consequently in this case the tilted balance set out at paragraph 11 (d) of the Framework applies. It is considered that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of providing six new dwellings in a sustainable location, when assessed against the policies of the NPPF as a whole.

4.4.2 Overall, taking all matters into account the proposal complies with the Local Plan and the NPPF as a whole and the application is recommended for approval, subject to conditions.

4.5 **Alternative Options**

4.5.1 None identified.

4.6 **Pre-Commencement Conditions**

4.6.1 Not applicable.

5.0 **Legal Implications**

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

6.0 **Recommendation**

6.1 That planning permission be **GRANTED** subject to the following:

a) The resolution of the drainage and flood risk matters to the satisfaction of the Local Planning Authority with the imposition of additional planning conditions or amendment of planning conditions as necessary;

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. To comply with Policy D1 of the Local Plan.

3. Materials to be used on all external elevations and the roof of the development hereby permitted shall be in accordance with the details submitted, unless otherwise approved in writing with the LPA.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area and to comply with Policy D1 of the North Hertfordshire Local Plan 2011 to 2031.

4. 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; 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

5. A scheme for the protection of retained trees shall be in accordance with the details shown on drawing 3794.Oakleigh.Kingshall.TPP rev A.

Reason: In the interests of tree preservation and amenity. To comply with Policy NE2 of the Local Plan.

6. Prior to occupation of the development hereby permitted, the use of the land for open storage shall cease and the proposed paddock shall be provided in accordance with the approved plans. The paddock shall be retained at all times thereafter and shall not be used for any other purpose.

Reason: In the interests of the openness of the Green Belt and character and appearance. To comply with Policies SP5 and D1 of the Local Plan.

7. Prior to occupation, each of the proposed new dwellings shall incorporate an Electric Vehicle (EV) ready domestic charging point.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality. To comply with Policy D4 of the Local Plan.

8. Prior to occupation of the development hereby permitted full details shall have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: To secure the future management and maintenance of the development. To comply with Policy T1 of the Local Plan.

9. Prior to occupation of the development hereby permitted the existing access road from the Codicote Road shall be improved and re-constructed as identified on drawing numbers 19367-OAKL-5-110 Rev D & 19367-OAKL-5-103 Rev D and the internal road layout shall be complete as identified on the above drawing numbers.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). In the interests of highway safety. To comply with Policy T1 of the Local Plan.

10. Before commencement of development, detailed design plans must be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, showing the revised access onto Codicote Road as identified on drawing no. 19367-OAKL-5-110 Rev D. The works shall be completed under a S278 Agreement and to the satisfaction of the Local Planning Authority before first occupation of the development.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). In the interests of highway safety. To comply with Policy T1 of the Local Plan.

11. The approved development shall be carried out in accordance with the submitted Construction Management Plan (Revision 2, date August 2023).

Reason: In the interests of highway safety. To comply with Policy T1 of the Local Plan.

12. The approved development shall be carried out in accordance with the submitted Site Waste Management Plan.

Reason: In the interests of highway safety and amenity. To comply with Policy T1 of the Local Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement to the dwellings hereby permitted under Schedule 2, Part 1, Class A or Class B of the Order.

Reason: To enable the LPA to control the development in the interests of amenity. To comply with Policy D1 of the Local Plan.

14. Prior to occupation of the development hereby permitted, the Mechanical Ventilation with Heat Recovery system and glazing shall be installed in each dwelling in accordance with the specification set out in "Noise Assessment, Oakleigh Farm..." Report reference RP01-19338, dated 30 August 2019 by Cass Allen Associates. The scheme shall be retained in accordance with those details thereafter.

Reason: In the interests of resident's amenity. To comply with Policy D1 of the Local Plan.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is also subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. All remediation works shall be carried out in accordance with the approved scheme before any dwelling hereby permitted is first occupied.

Reason: In the interests of resident's amenity. To comply with Policy NE11 of the Local Plan.

16. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment, dated November 2023, and all supporting information and the following measures:

1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
2. Undertaking appropriate drainage strategy based on infiltration and to include permeable paving and soakaways.

Reason: To provide acceptable drainage and flood risk mitigation. To comply with Policy NE8 of the Local Plan.

17. No development (except demolition) shall commence until the final design of the drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system will be based on the submitted Flood Risk Assessment, dated November 2023. The scheme shall also include:
1. Detailed infiltration testing be carried out pre-commencement in accordance with BRE Digest 365 standards at the proposed locations and depths of all SuDS features.
 2. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event.
 3. Demonstrate appropriate SuDS management and treatment and inclusion of above ground features.
 4. Provision of half drain down times within 24 hours.
 5. Silt traps for protection of any residual tanked elements.
 6. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
 7. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.

The drainage scheme shall be fully implemented prior to occupation.

Reason: To provide acceptable drainage and flood risk mitigation. To comply with Policy NE8 of the Local Plan.

18. Prior to occupation of the development hereby permitted, a management and maintenance plan for the SuDS features and drainage network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
1. Provision of a complete set of as built drawings for site drainage.
 2. Maintenance and operational activities.
 3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

The management and maintenance plan shall be implemented thereafter.

Reason: To provide acceptable drainage and flood risk mitigation. To comply with Policy NE8 of the Local Plan.

19. A scheme for the provision of mains water services providing fire hydrants has been submitted to and approved in writing by the Local Planning Authority. No occupation of the development shall take place until the approved scheme has been installed in full. Thereafter the fire hydrants shall be retained as approved in perpetuity.

Reason: In the interests of amenity and safety of future occupiers. To comply with Policy NE11 of the Local Plan.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant 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.