

|                   |  |
|-------------------|--|
| <u>Location:</u>  | <b>Land On The North East Side Of<br/>The Close<br/>Codicote<br/>Hertfordshire</b>   |
| <u>Applicant:</u> | <b>Manor Oak Homes</b>   |
| <u>Proposal:</u>  | <b>Outline planning application for the erection of up to 42 residential dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system and new access arrangements from The Close (all matters reserved except means of access) (as amended by plans and information submitted 8th April 2024 and 13th August 2024).</b> |
| <u>Ref. No:</u>   | 23/02895/OP  |
| <u>Officer:</u>   | <b>Alex Howard</b>   |

**Date of expiry of statutory period:** 20/03/2024

**Extension of statutory period:** 28/11/2024

**Reason for Delay:**

To address consultation responses and to present the application to an available committee meeting.

**Reason for Referral to Committee:**

The application is for residential development and the site area totals more than 0.5HA.

1.0 **Site History**

1.1 None.

2.0 **Policies**

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

- Policy SP1: Sustainable Development in North Hertfordshire
- Policy SP2: Settlement Hierarchy and Spatial Distribution
- 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 HS2: Affordable housing
- Policy HS3: Housing mix
- Policy HS5: Accessible and Adaptable Housing

Policy T1: Assessment of Transport Matters  
Policy T2: Parking  
Policy D1: Sustainable Design  
Policy D3: Protecting Living Conditions  
Policy D4: Air Quality  
Policy NE1: Landscape  
Policy NE2: Green Infrastructure  
Policy NE4: Biodiversity and Geological Sites  
Policy NE6: New and improved public open space and biodiversity  
Policy NE7: Reducing Flood Risk  
Policy Ne8: Sustainable Drainage Systems  
Policy NE12: Renewable and Low Carbon Energy Development  
Policy HE1: Designated Heritage Assets  
Policy HE4: Archaeology.

## 2.2 **National Planning Policy Framework (December 2023)**

Section 2: Achieving sustainable development  
Section 3: Plan making  
Section 4: Decision making  
Section 5: Delivering a sufficient supply of homes  
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 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 Supplementary Planning Documents/Guidance

Developer Contributions SPD – January 2023  
Sustainability SPD – September 2024

## 3.0 **Representations**

### 3.1 **Site Notice and Neighbour Consultation** – 34 neighbour representations have been received, 32 objections and 2 neutrals, raising the following matters (summary):

- The village does not have the necessary infrastructure to accommodate more housing and traffic (schools, GPs, dentists, shops and pubs etc).
- The houses already being built in Codicote are not selling.
- Parking is already an issue on the High Street, this would make matters worse
- The site is on Green Belt land.
- The affordable housing provisions are not actually affordable.
- The scheme seeks to move established public footpaths.
- The proposal would make the existing electricity outages worse.
- Sewers have been known to overflow; the scheme would enhance this issue.
- Access and parking for construction traffic will be a problem at this site and surrounding roads, including the congested High Street.
- The construction of this site will have noise/nuisance impacts that will disrupt residents.

- The scheme will devalue nearby dwellings as there will no longer be an adjacent open space.
- More crime and noise will occur in the neighbourhood.
- The existing flood risk will be increased.
- The wildlife on the site will be impacted by the development, including protected slow worms.
- Privacy for adjacent properties will be lost by the development.
- The existing trees and vegetation on the site have been removed by the owner.
- Lots of residents/dog walkers use this site at present.
- Applications have been refused at this site in the past due to several reasons.
- The development would be facilitated by the introduction of a footpath on the east side of The Close, which will see the existing informal parking area for residents lost with not alternative area.
- The proposed access is inadequate for the development of this scale.
- The scheme should incorporate swift bricks on all dwellings.

3.2 **Hertfordshire Highways** – Three formal responses have been received from the Highway Authority in January, May and September 2024. In the first two responses, Highways objected noting several concerns with the proposal in respect of highways impacts, primarily relating to the access design, crossing details to Valley Road and the lack of an introduced footpath on the east side of The Close. Following amendments to the proposal which sought to amend the proposed access layout, crossing points and now introducing a footpath on the east side of The Close, the Highway Authority responded with no objections subject to conditions and requested contributions towards sustainable transport, in line with their Toolkit.

3.3 **Codicote Parish Council** – Objects to the proposal on the following grounds (summary):

- Important to consider this application in the context of the other three allocated sites.
- The site was allocated contingent on the cumulative impact of the four allocated sites, no measures have been proposed to address this.
- Residents do not want this development, contrary to what is stated.
- Concerns with the access arrangements into the site, which have serious existing issues.
- The site has surface water and flood risk concerns. Not convinced that the proposed SUDs will address these concerns.
- No demonstration of justification for loss of green belt land.
- The scheme will result in loss of wildlife habitat and impact on slow worm populations.
- The applicant will not be the ones to build out this scheme if approved.

3.4 **Environmental Health (Air Quality, Land Contamination, Noise/Nuisances)** – No objection subject to conditions relating to Phase 2 site investigations and Electric Vehicle (EV) charging points.

3.5 **Hertfordshire Ecology** – Two formal responses have been received from Herts Ecology in February and October 2024. No objections were raised subject to conditions initially, relating to a Construction Environmental Management Plan (CEMP), lighting strategy and Biodiversity Net Gain (BNG). Following a change to the proposed slow worm translocation site and subsequent BNG metric, Herts Ecology formally responded again with no objections subject to further conditions, including a Biodiversity and Enhancement Management Plan (BEMP).

3.6 **Hertfordshire Growth and Infrastructure** – Formally responded seeking the following housing mix and financial contributions for the relevant projects:

| HOUSES             |                                   |                    | FLATS              |                                   |                    |
|--------------------|-----------------------------------|--------------------|--------------------|-----------------------------------|--------------------|
| Number of Bedrooms | A) Open Market & Shared Ownership | B) Affordable Rent | Number of Bedrooms | A) Open Market & Shared Ownership | B) Affordable Rent |
| 1                  | 0                                 | 0                  | 1                  | 0                                 | 2                  |
| 2                  | 6                                 | 3                  | 2                  | 1                                 | 1                  |
| 3                  | 17                                | 4                  | 3                  | 0                                 | 0                  |
| 4+                 | 7                                 | 1                  | 4+                 | 0                                 | 0                  |
| <b>Total</b>       | <b>30</b>                         | <b>8</b>           | <b>Total</b>       | <b>1</b>                          | <b>3</b>           |

| Trajectory |      |      |      |      |      |      |
|------------|------|------|------|------|------|------|
| Year       | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 |
| Units      |      |      | 30   | 12   |      |      |

- Primary Education Contribution towards the expansion of Codicote C of E Primary School and/or provision serving the development (£543,690 index linked to BCIS 1Q2022).
- Secondary Education Contribution towards the expansion of Monks Wood Secondary School and/or provision serving the development (£490,609 index linked to BCIS 1Q2022).
- Childcare Contribution towards increasing the capacity of 0-2 year old childcare facilities at Codicote Pre School and/or provision serving the development (£33,484 index linked to BCIS 1Q2022).
- Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities at Codicote Primary School and/or provision serving the development (£513 index linked to BCIS 1Q2022).
- Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£54,460 index linked to BCIS 1Q2022).
- Library Service Contribution towards increasing the capacity of Welwyn village library and/or provision serving the development (£9,555 index linked to BCIS 1Q2022)
- Youth Service Contribution towards the delivery of a new centre at Stevenage and/or provision serving the development (£12,713 index linked to BCIS 1Q.2022)
- Waste Service Recycling Centre Contribution towards the new provision at Welwyn Garden City and/or provision serving the development (£4,239 index linked to BCIS 1Q2022).
- Waste Service Transfer Station Contribution towards the new provision at Northern Transfer Station and/or provision serving the development (£7,212 index linked to BCIS 3Q2022).
- Fire and Rescue Service Contribution towards the expansion at Welwyn Garden City fire station and/or provision serving the development (£15,985 index linked to BCIS 1Q2022).

- Monitoring Fees – HCC will charge monitoring fees. These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340 (adjusted for inflation against RPI July 2021). For further information on monitoring fees please see section 5.5 of the Guide to Developer Infrastructure Contributions.

3.7 **Hertfordshire Archaeology** – No objection subject to conditions covering a WSI.

3.8 **Hertfordshire Rights of Way** – Most recent consultation response states as follows:

*“The amended plans show the correct routes for the ROW in the area now so here are our updated comments:*

*There are two public footpaths that cross the southern section of the proposed development site, care must be taken during any works to ensure that the safety of the public using the routes is protected. The public rights of way should not be restricted or obstructed in any way during the course of any development. If work requires the routes to be closed, then a Temporary Traffic Regulation Order must be applied for and granted by Hertfordshire County Council before any works can commence.*

*In the Landscape Strategy Plan there is mention of the possibility of diverting Codicote Footpath 007 to go around a SuDS feature if not over a bridge. If the desire is to divert the footpath then a Definitive Map Modification Order application will need to be made to divert the footpath. Please note that diversion applications take a lengthy amount of time to process due to the procedures involved and there is no guarantee of their success”.*

3.9 **Hertfordshire Minerals and Waste** – No objection subject to conditions covering a SWMP.

3.10 **North Herts Housing Supply Officer** – Following negotiations between NHC and the agent, it was considered that the initially proposed affordable housing mix was unacceptable and did not meet our needs. The agent has agreed to provide the following housing mix, which has been proposed by the Housing Supply Officer and deemed acceptable to meet our needs:

*“For the rented element*

*1 bed flats (4) including one to M4(3) wheelchair accessible*

*2 bed houses (3)*

*3 bed bungalow M4(3) wheelchair adapted (1)*

*3 bed houses (2)*

*4+ bed houses. (1)*

*For the intermediate element*

*2 bed flats/ maisonettes (2) \**

*2 bed houses (1)*

*3 bed houses (3)*

*\* Please note the 2 bed flats/ maisonettes must have separate entrances from any rented units”.*

3.11 **Local Lead Flood Authority** – No objections subject to several conditions covering flood risk and drainage.

- 3.12 **Thames Water** – No comment.
- 3.13 **Severn Trent** – None received.
- 3.14 **Affinity Water** – General guidance for construction works and best practice standards.
- 3.15 **Conservation Officer** – *“Looking at this through a purely heritage lens, I conclude that the proposal will not adversely impact upon the setting and consequently will not harm the significance of either The Bury (grade II\*) or the Codicote Conservation Area. The proposal will satisfy the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031 and for these reasons is **UNOBJECTIONABLE**”.*

#### 4.0 **Planning Considerations**

##### 4.1 **Site and Surroundings**

- 4.1.1 The site is located to the northeast of The Close and is approx. 2.43 hectares. It is located on the eastern edge of Codicote, one of the districts larger villages, and is within the defined settlement boundary. The site comprises a single field of rough grassland and scrub lying north of The Close. The southern boundary is enclosed by the rear boundaries of properties on The Close, including an area of flat-roofed garages. The western boundary is enclosed by the rear garden's properties on Grange Rise. The northern boundary comprises a high mature hedge and line of closely planted trees, beyond which is open agricultural land. There is a belt of woodland against the eastern boundary, beyond which lie more agricultural fields.
- 4.1.2 The site increases in gradient from the southeast to the northwest. The vehicular access to the site is via The Close. Two Public Rights of Way cross the southern part of the site (PRoW 007 and 008), and a permissive path crosses the site from The Close to its north-western corner. The site is within Flood Zone 1, but of the south-eastern extent of the site is at low to high risk of surface water flooding. The site is approx. 135m away from the Grade II listed The Bury
- 4.1.3 The site has been allocated for residential development in the North Hertfordshire Local Plan 2011-2031, which was adopted in November 2022. The site is allocated under Policy CD3 for approximately 48 dwellings.

##### 4.2 **Proposal**

- 4.2.1 The application seeks outline planning permission for the erection of up to 42 residential dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system and new access arrangements from The Close (all matters reserved except means of access) (as amended by plans and information submitted 8th April 2024 and 13th August 2024).
- 4.2.2 The application has been supported by the following documents:

- Arboricultural Impact Assessment
- Archaeological Desk Based Assessment
- Design and Access Statement
- Ecological Impact Assessment (incl. Biodiversity Net Gain Assessment)
- Flood Risk Assessment and Drainage Strategy
- Heritage Assessment Asset

- Phase 1 Ground Investigation Report Geo-Environmental
- Landscape and Visual Impact Assessment
- Sustainability and Energy Statement
- Transport Statement
- Site Location, Land Use Green/Blue Infrastructure Plan, Access and Movement Parameter Plan, Proposed Access Plans
- Illustrative Masterplan/Framework Plan/Landscape Strategy/Site Sections Plans.

### 4.3 Key Issues

4.3.1 The key issues in the determination of the application are:

- Principle of Development
- Highways/Access/Rights of Way/Parking
- Appearance/Layout/Scale
- Landscaping
- Heritage
- Play Area/Space
- Ecology
- Flood Risk/Drainage
- Affordable Housing/Housing Mix
- Archaeology
- Energy and Sustainability
- Other Matters
- S106 Legal Agreement

#### Preliminary Matters

4.3.2 The application is for outline planning permission with all matters reserved apart from access. Therefore, details relating to design, landscaping, layout, and scale are not submitted for detailed consideration at this point, as these matters would be addressed in a subsequent reserved matters application. However, these reserved matters will be considered in a general sense to advise the subsequent application.

#### Principle of Development

4.3.3 The North Hertfordshire Local Plan was adopted in November 2022 and is now part of the development plan, where full weight shall be given to relevant policies. The National Planning Policy Framework (NPPF) is a material consideration and is considered to be consistent with the Local Plan, also attracting significant weight.

4.3.4 Policy SP1 of the Local Plan supports the principles of sustainable development and seeks to maintain the role of key settlements as the main focus for housing and to ensure the long-term vitality of the villages by supporting growth which provides opportunities for existing and new residents and sustains key facilities. The policy elaborates on this stating that planning permission will be granted for proposals that deliver an appropriate mix of homes, create high quality development that respects and improves their surroundings and provides for healthy lifestyles, provides for necessary infrastructure to support an increasing populations, protects key elements of the District's environment including biodiversity, important landscape, heritage assets and green infrastructure, the mitigates the impact on climate change.

4.3.5 The site is allocated for residential development in the Local Plan under Policies HS1, more generally, and CD3, more specifically, for approximately 48 dwellings and by virtue of this allocation, the site is within the settlement boundary of Codicote, and not within the Green Belt. Codicote is one of the five larger villages in the district where Policy SP2 of the Local Plan sets out that *“Approximately 13% of housing, along with supporting infrastructure and facilities will be delivered within the adjusted settlement boundaries of the following five villages for the levels of development indicated: Codicote (363)”*.

4.3.6 The site-specific criteria for this allocated site set out under Policy CD3, which will be considered in turn within the body of the report, are as follows:

- *Appropriate solution for expansion site 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;*
- *Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery;*
- *Address existing surface water flood risk issues through SUDs or other appropriate solution;*
- *Sensitive incorporation of Footpaths Codicote 007 and 008 as features within the site providing a connection from the High Street to the wider countryside; and*
- *Heritage impact assessment (including assessment of significance) and sensitive design to ensure appropriate approach to nearby Grade II\* listed The Bury.*

4.3.7 The proposal is for 42 dwellings, which is short of the estimate for 48 dwellings as set out in Policy CD3. The policy estimates for allocated sites are a guide for developers, with many sites being submitted and considered under or over their respective estimations based on the site characteristics and policy criteria for acceptable development. As such, the modest shortfall of dwellings in this scheme compared to the policy estimate is considered acceptable. This is also covered in Paragraph 8.3 of the Local Plan

4.3.8 Overall, it is considered that the principle of development is acceptable, given the allocation of the application site for residential development within the Local Plan and its location within the settlement boundary of Codicote. Therefore, there is no conflict with Policy SP2 or HS1 of the Local Plan. It is further considered that there is no conflict with the principle of Policy CD3.

#### Highways/Access/Rights of Way/Parking

4.3.9 Policy T1 of the Local Plan states that permission will be granted for development that does not lead to highway safety problems or cause unacceptable highway impacts, where necessary sustainable transport measures and improvements to existing highway networks are secured, where schemes are supported by the necessary supporting transport documents and for major developments, how schemes would be served by public transport, pedestrian routes etc.



4.3.10 Local Plan Policy CD3, sets out the following site-specific requirements relating to highways/access/rights of way:

- *Transport Assessment to consider the cumulative impacts of sites CD1, CD2, CD3 and CD5 on the village centre and minor roads leading to/from Codicote and secure necessary mitigation or improvement measures;*
- *Sensitive incorporation of Footpaths Codicote 007 and 008 as features within the site providing a connection from the High Street to the wider countryside;*

4.3.11 The application is supported by a Transport Statement which addresses the key highway and access related matters pursuant to this application. The Transport Statement has considered the likely trip generation of the application proposal both alone and cumulatively with sites CD1, CD2 and CD5. The site is currently accessed of The Close and this access would be enhanced with a vehicular and pedestrian access to serve the development. The Transport Statement concludes that there are several Public Rights of Way (PRoW) located within vicinity of the site. Within the site, PRoW Codicote 007 is a footpath which starts at The Close and extends along the southern boundary of the site and then north along the eastern boundary before splitting into two PRoWs to form Codicote 007 and 008. There are reasonable walking and cycling distances to key local facilities, including: schools, health services, shops etc. The nearest bus stops are located on High Street some 350 and 400m from the proposed access and as such, the proposed development has adequate access to bus services. The statement acknowledged that there are two parking laybys provided on The Close for residents to use for parallel parking. At the time of submission, it was stated that there will be no loss of on street parking as a result of this development when residents park as per the expectations of the existing highway layout. A review of the collision data shows there has been zero incidents reported along Valley Road, within vicinity of The Close. The reported collision data shows that there is no collision problem on the surrounding highway infrastructure. As such, the Transport Statement concludes that the proposed development would not result in conditions detrimental to highway safety.

4.3.12 Following consultation with the Highway Authority, in their initial comments from January 2024, they considered that the proposal is not expected to have any significant/detrimental impact on the operation of the local highway network. The Highway Authority acknowledges that a cumulative impact assessment of sites CD1, CD2, CD3 and CD5 has been undertaken in the Transport Statement, where the proposed development is predicted to generate 33 new vehicle trips in the morning peak period and 28 new trips in the evening peak period. Three of the four allocated housing sites, i.e. all excluding this application, have already been approved and undertaken cumulative impact assessments. These found that in combination there were no significant adverse impacts as a result of the allocations. The number of trips generated by the application proposal is considered modest and insofar as there have been no significant changes in circumstances since these applications were approved, hence, a further assessment of cumulative impact using the same data is not considered necessary. The Highway Authority are therefore satisfied with the cumulative assessment that has been undertaken. This directly addresses the site-specific policy criteria in this respect, and it is therefore considered that the development has *“considered the cumulative impacts of sites CD1, CD2, CD3 and CD5 on the village centre and minor roads leading to/from Codicote and secure necessary mitigation or improvement measures;”*

- 4.3.13 The Highway Authority did however raise some concerns with the proposal, primarily relating to accessibility in the submitted assessments following a walking audit, the lack of detail in relation to the introduction of pedestrian crossing points, the lack of a footway on the eastern side of The Close, and gradient concerns given the slope of the site. The Applicant has sought to address these concerns in the form of additional submissions and technical notes, with the majority of matters including the revised access arrangements and pedestrian crossing point considered by the Highway Authority as acknowledged/addressed in their second comments, which is acceptable. However, the Applicant disputed the view and request of the Highway Officer that there was a need to introduce a pedestrian footway on the eastern side of The Close as there is an existing footway on the western side of The Close with a suitable crossing point proposed, which would need to be facilitated by the removal of an existing informal lay-by parking area used by existing residents. The Highway Officer stated in their second comments as follows: *“The HA has previously advised with detailed justification, that the applicant is required to provide a footway on the eastern side of The Close. The existing dwellings have their required car parking provisions in accordance with the car parking standard within their site-specific development boundaries. The public highway is not there to cater for developments car parking demand”*. On this basis, the Highway Authority maintained an objection to the proposal in their second formal comments in May 2024.
- 4.3.14 In response, the Applicant sought to address the concern of the Highway Officer by submitting amended plans which showed the introduction of a pedestrian footway on the eastern side of The Close in place of the existing lay-by parking area and a suitable crossing to Valley Road (plan 898-TA13 Rev A). Following formal consultation with the Highway Authority, in their third and final comments received September 2024, no objections were raised subject to conditions relating to detailed technical plans and a CTMP to be submitted prior to commencement, which are deemed reasonable. As such, it is considered that the Applicant has satisfactorily addressed the technical matters and concerns raised by the Highway Authority, such that the development will be served by a suitably designed vehicular/pedestrian access, with acceptable associated measures including a new footway on the eastern side of The Close/crossing to Valley Road and will not lead to highway safety problems or cause unacceptable highway impacts. Notwithstanding the above, whilst Officers are unconvinced of the necessity of a pedestrian footway on the eastern side of The Close, given the existence of the footway on the western side of the highway, the provision of an appropriate crossing from the development to this western side, and the inevitable loss of the parking bays used by existing local residents, the views of the Highway Authority are not considered unreasonable.
- 4.3.15 In terms of the Public Rights of Way (PRoW) through the site, PRoW Codicote 007 is a footpath which starts at The Close and extends along the southern boundary of the site and then heads north along the eastern boundary before splitting into two PRoWs to form Codicote 007 and 008. According to the submitted PRoW Technical Note, the proposed SUDs infiltration basin is located on the official route of PRoW 007 and there are two options available to accommodate this, which can be fully considered directly with the County Councils Right of Way Team and finalised at the reserved matter stage. The first option is to divert the footway around the infiltration basin, which is considered to broadly follow the unofficial route taken by the public currently. Should this diversion not be approved by the County Council, then the second option would seek to accommodate the official RoW route across the basin via a bridge, with details to be secured at reserved matters stage. The County Councils Right of Way Team has formally responded to this application and advised on the formal process to apply for a diversion and best practise guidance for keeping RoWs clear during the build phase.

In any case, these matters are outside the scope of this Council's planning role, but they appear to be reasonable options, such that it is considered that the proposal has achieved the Policy CD3 requirement of "*Sensitive incorporation of Footpaths Codicote 007 and 008 as features within the site providing a connection from the High Street to the wider countryside;*".

- 4.3.16 Policy T2 of the Local Plan and The Councils Vehicle Parking at New Development SPD sets out the requirements for parking standards for occupiers, visitors, garages etc. The Illustrative Masterplan makes provision for resident and visitor car parking in line with the standards set out in the SPD, but the exact number and location of spaces will be dependent on the final details at the reserved matters stage.

#### Appearance/Layout/Scale

- 4.3.17 Policy D1 of the Local Plan states that planning permission will be granted provided the development responds positively to the site's local context in addition to other criteria. Policy SP9 of the Local Plan further considers that new development will be supported where it is well designed and located and responds positively to its local context. These considerations are echoed in Section 12 of the NPPF.
- 4.3.18 The submitted Design and Access Statement and Illustrative Master Plans provides an indication of how the site could be delivered in terms of the layout, appearance and scale of dwellings and the wider site. However, as already stated the application is submitted in outline only and seeks permission at this stage for access only, which leaves the consideration of appearance, layout, and scale of the development for a later date under reserved matters. In any case, it is considered reasonable to provide a basic assessment in this regard.
- 4.3.19 The indicative master plan is stated to have been influenced by the site's edge-of-settlement location and the need for a sensitive urban to rural transition as well as the need to respect existing site constraints, namely the site's sloping topography, existing trees and hedgerows, views in and out of the site, existing habitats and the amenities of neighbouring properties. The proposed dwellings would be located in the western two thirds of the site, with an open space area and SUDs feature on the eastern part. The housing would comprise a series of development parcels focussed on the internal spine road. Built form would be structured around a perimeter block approach to create an outward facing development. The dwellings would be no more than two-storey in height and provide bungalows in the south-western corner due to the relationship with the immediate neighbouring properties.
- 4.3.20 It is considered that the submitted indicative masterplan showing the proposed layout of the site is reasonable, taking into account local context and the site constraints. Officers consider that, prior to and during any subsequent reserved matter stage, careful consideration must be given to the relationship between the proposed new dwellings and the immediate neighbours to the west and south boundaries of the site, to ensure that any development here does not result in unacceptable harm to neighbouring amenity. Officers acknowledge the provision of bungalows in the south-western corner which goes some way to mitigating possible adverse amenity impacts.

## Landscaping

- 4.3.21 Policy NE1 of the adopted Local Plan advises that proposals would be granted so long as they do not cause unacceptable harm to the character and appearance of the surrounding area taking account of any suitable mitigation measures necessary to achieve this, are designed and located to ensure the health and future retention of important landscape features and have considered the long-term management and maintenance of any existing and proposed landscaping.
- 4.3.22 Landscaping details are also a reserved matter at this stage, but the illustrative masterplan does show the broad extent of hard and soft landscaping across the site, including the provision of roads, footways and parking spaces and the provision of private gardens for all dwellings, larger pockets of publicly accessible open space to the south-east and north of the site, and retained/enhanced trees and landscape buffers on the boundaries. A landscape strategy/plan has been submitted with this proposal which has been formed through a number of design principles as set out in the supporting Planning Statement. The landscaping shown in the indicative details, in terms of the planting of trees along the sides of the access road and around the areas of open space shows that a good level of tree planting could be achieved. Further consideration of perimeter screening planting should be considered in future landscaping reserved matters applications where that planting would benefit the amenity of the occupiers of future and that of adjoining premises, particularly on the western and southern boundaries.
- 4.3.23 A Landscape and Visual Impact Assessment (LVIA) has been submitted which has informed the evolution of the proposed scheme, concluding that the development would not result in the loss of any important landscape features and would not introduce a land use which is uncharacteristic in this localised landscape setting. The plans do indicate that the scheme would deliver a 12.0m landscape buffer and seeks to retain/integrate a Category A Oak Tree on the site, which is encouraged. Overall, the indicative proposed landscaping strategy appears to be reasonable and well informed and should evolve as required up until the reserved matters stage.

## Heritage

- 4.3.24 Policy SP13 of the Local Plan states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset’s conservation and the management of its setting”*. This reflects paragraph 205 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Policy HE1 of the Local Plan states that *“Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset’s optimum viable use”*. This is reinforced by paragraph 208 of the NPPF.
- 4.3.25 The site is not within the Conservation Area but is within relatively close proximity to the Grade II listed The Bury, which is due north, and an assessment of this relationship is required under Policy CD3. The application has been supported by a Heritage Impact Assessment which considers the impact of the proposal on The Bury. The assessment explains that the site does not contribute to the significance of The Bury or any other heritage asset, and neither does it have any significant contribution as part of its physical setting. The assessment considers that the important element of The Bury’s setting is its enclosed and generally well-screened grounds, its wider setting having been transformed by late 20th-century residential development.

There is also a high degree of woodland screening of The Bury in views across the near landscape from the east which prevent views in which both the site and listed building are experienced together. As such, the development of the site as proposed would have no effect, either positive or negative, on the significance of The Bury or any other heritage asset, either directly or on any significant aspect of its wider physical setting.

- 4.3.26 The Council's Conservation Officer has formally responded to this application, agreeing with the conclusions of the Heritage Impact Assessment that the development would not result in any harm to the setting or significance of the Grade II listed The Bury, which addresses the relevant matter of Policy CD3 in this regard which is *Heritage impact assessment (including assessment of significance) and sensitive design to ensure appropriate approach to nearby Grade II\* listed The Bury*, and the requirements of Policy HE1 and Section 16 of the NPPF.

#### Play Area/Space

- 4.3.27 The submitted indicative masterplan/landscape strategy and supporting Planning Statement sets out that the proposal has been designed to incorporate a Local Area of Play (LAP). However, under the Fields in Trust Guidance Document (Nov 2020), it sets out that residential developments of 1-200 dwellings should be providing a Locally Equipped Area of Plan (LEAP) as well as a LAP on site.

- 4.3.28 Following discussions with the agent, they have considered the Fields in Trust guidance and have concluded that they would not be able to provide a LEAP on site due to space constraints and as a result, the Council have sought to resolve this conflict with the Fields in Trust standards by other means. Following consultation with the Parish Council and Applicant, it was understood that an existing nearby LEAP on Valley Road had been surveyed recently by the Parish Council and needed repair/maintenance works. The applicants formally confirmed that they would be happy with providing an off-site contribution to repair/maintain this existing play area, in lieu of providing an on-site LEAP. The applicants have submitted a contractor's quote by Countryside Grounds for works in line with the schedule of repair/maintenance works in the Parish Councils assessment of the play area, totalling to £4,270 which has been considered internally by Officers in the Open Space Maintenance Team to be acceptable/reasonable. As such, this off-site payment forms part of the agreed heads of terms and be secured through the s106 legal agreement, to ensure that the impact of not providing a LEAP on site is appropriately mitigated by improving an existing LEAP within close proximity to the site that future residents are very likely to use. This is considered to be reasonable and appropriate.

#### Ecology

- 4.3.29 The County Council's Ecology Department (Herts Ecology) have formally responded to this application on two occasions in February and October 2024. Within the first response, no objections were raised subject to conditions, relating to a CEMP, lighting strategy and Biodiversity Gain Plan, where an overall BNG of 56.87% for habitat units and 83.83% for hedgerow units was to be delivered. This application was submitted prior to the mandatory 10% BNG being introduced on the 12<sup>th</sup> February 2024, such that this does not apply to this application, even though the proposal is acknowledged to deliver considerable net gains in biodiversity. The suggested conditions relating to ecology would control the delivery of BNG, which is a planning benefit.

- 4.3.30 Following a change to the proposed slow worm translocation site, which was out of the applicant's control, from an arable field nearby to Panshanger Park in Welwyn Garden City, and the subsequent amendments to the BNG metric to deliver an overall BNG of 0.20% for habitat units and 83.83% for hedgerow units.

Herts Ecology formally responded again with no objections subject to further conditions, now also including a BEMP. Following clarification with Herts Ecology, they have confirmed that as part of the proposed Biodiversity Gain Plan condition the applicants will need to detail the habitat management plan for the proposed translocation site for slow worms in order to ensure the suitability of the receptor site for this protected species. As such, subject to the recommended conditions, it is considered that the development will deliver measurable gains in biodiversity, in line with Policy NE4 of the Local Plan.

- 4.3.31 Whilst the Council acknowledges the concerns of interested parties in relation to the removal of vegetation on the site already, the ecological appraisals consider that the site comprised species-poor rank grassland with low ecological value.

#### Flood Risk/Drainage

- 4.3.32 The applicant has provided Flood Risk Assessment (FRA), Drainage Strategy, a Flood Risk Addendum and outline design plans to account for the local flood risk issues and surface water drainage at this location. The LLFA have formally responded to this application and following a review of the submitted documents, they consider that the details are in accordance with NPPF and Policies NE8, NE9 and SP12 of the Local Plan, subject to eight conditions covering the submission of more detailed plans for surface water drainage, SUDs phasing plan, temporary drainage measures, construction phase surface water management plan, maintenance/management of SUDs, verification of construction details, compliance with FRA measures and a flood emergency plan. Overall, on the basis of the submitted information and subject to the proposed conditions, it is considered that the development has a “*Detailed drainage strategy identifying water infrastructure required and mechanism(s) for delivery; and has sought to Address existing surface water flood risk issues through SUDs or other appropriate solution;*” in line with the requirements of Policy CD3.

#### Affordable Housing/Housing Mix

- 4.3.33 Policy HS2 of the Local Plan sets out that on housing sites of 25 dwellings or more, there should be a 40% provision of affordable housing subject to viability. The expectation is for a 65%/35% split between affordable rented tenure and other forms affordable housing. The affordable housing provision should meet the needs of the area.
- 4.3.34 Policy HS3 of the Local Plan sets out that an appropriate range of house types and sizes to be provided having regard to the overall targets of the plan, the findings of the most up-to-date Strategic Housing Market Assessment (SHMA), the location and accessibility of the site and the appropriateness of the development to its surroundings in terms of density, scale and character. The expectation is that it is most appropriate to have a broad balance between smaller (2-bedroom or less) and larger (3-bedroom or more) homes.
- 4.3.35 The submitted Planning Statement and illustrative masterplans state that in accordance with Policy HS2, up to 17 of the proposed dwellings would be affordable which amounts to 40% of the total number of dwellings. Out of these 17 affordable dwellings, 11 are proposed to be affordable rent and 6 are for other forms of affordable housing, namely intermediate tenure. Further negotiations between the Housing Supply Officer and the Agent during the course of the application have resulted in agreement to an appropriate mix of affordable housing that meets the Councils needs and are considered acceptable at this outline stage, which is set out below and forms part of the agreed Heads of Terms:

For the rented element (11 total)

- 1 bed flats (4) including one to M4(3) wheelchair accessible
- 2 bed houses (3)
- 3 bed bungalow M4(3) wheelchair adapted (1)
- 3 bed houses (2)
- 4+ bed houses. (1)

For the intermediate element (6 total)

- 2 bed flats/ maisonettes (2) \*
- 2 bed houses (1)
- 3 bed houses (3)

4.3.36 In terms of the proposed housing mix, the illustrative Sketch Layout shows a scheme comprising 4 x 1 bed apartments, 2 x 2 bed apartments, 4 x 2 bed maisonettes, 7 x 2 bed homes, 18 x 3 bed houses and 7 x 4 bed houses. However, the exact mix of dwellings would be agreed with the at reserved matters stage. This illustrative provision equates to 60% larger (3+bedroom) dwellings and 40% smaller (1 or 2 bedroom) dwellings, which is encouraged as an appropriate mix for the reserved matter stage and considered to largely accord with Policy HS3.

#### Archaeology

4.3.37 Policy HE4 of the Local Plan requires suitable consideration of proposals affecting heritage assets of archaeological interest.

4.3.38 An Archaeological Desk Based Assessment was submitted with this application, which concluded that there are no known heritage assets on the site, nor in a position to be affected by the proposed development other than the nearby listed 'The Bury'. The document advised that the general area is one of moderate to high archaeological potential but significant archaeological finds in the more immediate vicinity seem sparse and limited to chance finds. The County Councils LEADS Team were consulted on this matter and responded with no objections subject to conditions covering a Written Scheme of Investigation and conducting development in accordance with the agreed details, which is considered reasonable and acceptable in line with Policy HE4.

#### Energy and Sustainability

4.3.39 The Council passed a Climate Emergency motion in 2019 which pledged to do everything within the Council's power to achieve zero carbon emissions in North Hertfordshire by 2040. The Council has adopted a Climate Change Strategy to promote carbon neutral policies. Adopted Policy DE1 – Sustainable Design – requires developments to consider a number of criteria including the need to reduce energy consumption and waste. In relation to residential development this will typically include features such as - low carbon technologies such as air or ground source heat pumps, solar or PV panels, Sustainable Drainage Systems (SuDS) and exceeding Building Control standards on thermal insulation.

4.3.40 Given the outline nature of the application, detailed carbon reduction measures are not yet known. However, a detailed Energy Statement will need to be provided once the site design is formalised, and this should set out a broader range of sustainable building methods and technologies around energy and water uses.

However, the Planning Statement does set out that the Applicant is committed to maximising the sustainability of the site by meeting or improving upon mandated sustainability targets through various measures and means.

- 4.3.41 One of the fundamental matters to consider in all applications for planning permission is whether the proposed development would represent a sustainable form of development. The NPPF confirms that all three objectives of the planning system would be met. These are economic, social, and environmental.
- 4.3.42 In terms of the economic objective, the development would provide homes that would support economic growth and productivity. The construction of the development and on-going maintenance of it would result in construction jobs and employment in the service sector. The fitting out and furnishing of the homes would also generate economic activity and jobs. Future occupiers would purchase local goods and services, boosting the local economy and helping to sustain the vitality and viability of local shops and services.
- 4.3.43 In terms of the social element, the scheme would deliver a high-quality and inclusive residential development. The development would be well connected to the existing community and by public transport and existing public footpaths to the High Street. Moreover, financial contributions towards the Parish Councils Pavilion and Scout Hut projects, and for improvements and repairs to the Peace Memorial Hall, which supports the wider community have been agreed in the Heads of Terms. Overall, the development would provide access to the social, recreational, and cultural facilities and services that the community needs. The proposal would achieve a well-designed sense of place and make effective use of land.
- 4.3.44 In terms of the environmental objective, the proposed development would likely deliver a net gain in biodiversity on site. The site is not isolated in terms of transport with the site accessible by public transport and local services can be reached on foot and by cycling. Further environmental matters will be considered during the reserved matters stage.
- 4.3.45 In conclusion, it is considered that the proposal would be a sustainable form of development and would comply with national and local planning policy and guidance.

#### Other Matters

- 4.3.46 It is necessary to consider and address the formal representations received from interested parties which are summarised at the start of this report. As such, the summary of concerns will be listed below with the Councils response in full:
- *The village does not have the necessary infrastructure to accommodate more housing and traffic (schools, GPs, dentists, shops and pubs etc).* The site is allocated for residential development in the Local Plan and part of the agreed Heads of Terms includes the provision of contributions towards the necessary infrastructure.
  - *The houses already being built in Codicote are not selling.* This is not a material planning consideration.
  - *Parking is already an issue on the High Street, this would make matters worse.* The Highway Authority have no objections to the cumulative impact assessment in the Transport Statement which projects tip generation.
  - *The site is on Green Belt land.* The site was taken out of the Green Belt to become an allocated housing site following the adoption of the North Herts Local Plan.
  - *The affordable housing provisions are not actually affordable.* The affordable housing provision is policy compliant and meets the needs of the district.



- *The scheme seeks to move established public footpaths.* This is a matter to be confirmed outside of planning with the County Council.
- *The proposal would make the existing electricity outages worse.* It will be the responsibility of the electricity supplier to ensure that the electricity supply is not adversely affected by this proposal.
- *Sewers have been known to overflow; the scheme would enhance this issue.* The proposal is relatively modest in scale and it will be the responsibility of the sewage provider to address any existing issues and to make provision for this proposal.
- *Access and parking for construction traffic will be a problem at this site and surrounding roads, including the congested High Street.* A Construction Management Plan will be conditioned on any decision which will consider the suitable arrival and parking of construction related vehicles in association with the Highway Authority.
- *The construction of this site will have noise/nuisance impacts that will disrupt residents.* Whilst this is acknowledged, construction impacts are inherently temporary, and this is a matter that will be addressed by the Construction Management Plan.
- *The scheme will devalue nearby dwellings as there will no longer be an adjacent open space.* This is not a material planning consideration.
- *More crime and noise will occur in the neighbourhood.* There is no evidence to suggest that the proposed residential development would have a material impact upon levels of crime or the noise environment in this residential area.
- *The existing flood risk will be increased.* This has been addressed by the applicant in their submission and considered acceptable by the LLFA.
- *The wildlife on the site will be impacted by the development, including protected slow worms.* This has been addressed by the applicant in their submission and considered acceptable by Herts Ecology. The proposal would deliver net gains in Biodiversity.
- *Privacy for adjacent properties will be lost by the development.* This is a material consideration that will be addressed during the subsequent Reserved Matter stage.
- *The existing trees and vegetation on the site have been removed by the owner.* This has been addressed in the Officer report.
- *Lots of residents/dog walkers use this site at present.* This is not a material planning consideration. The site is private land.
- *Applications have been refused at this site in the past due to several reasons.* There is no planning history at this site.
- *The development would be facilitated by the introduction of a footpath on the east side of The Close, which will see the existing informal parking area for residents lost with not alternative area.* This has been addressed in the Officer report.
- *The proposed access is inadequate for the development of this scale.* The Highway Authority have considered the access proposal and deem it acceptable, subject to conditions.
- *The scheme should incorporate swift bricks on all dwellings.* Officers consider this reasonable and will recommend a condition to that effect.

#### S106 Legal Agreement

4.3.47 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. These are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

4.3.48 Detailed negotiations have taken place with the applicant and agreement reached on a range of matters that are included in agreed S106 heads of terms. These include the provision of affordable housing, financial contributions towards the local community/Parish Council projects such as the Pavilion and Scout Hut, financial contributions towards Peace Memorial Hall and financial contributions towards education, sustainable transport/highway facilities and other services provided by the County Council. All of the S106 obligations are listed in the table below -

| <b>HCC:</b>         | Requested contribution, ref. to index linking and date received:  | Amendment / change and date: | Policy ref. / notes:                          |
|---------------------|---|------------------------------|---|
| Primary education   | £543,690 towards the expansion of Codicote C of E Primary School and/or provision serving the development (index linked to BCIS 1Q2022)   |                              | Policy SP7<br><br>Developer Contributions SPD |
| Secondary education | £490,609 towards the expansion of Monks Wood Secondary School and/or provision serving the development (index linked to BCIS 1Q2022)  |                              | Policy SP7<br><br>Developer Contributions SPD |
| Childcare services  | £33,484 towards increasing the capacity of 0–2-year-old childcare facilities at Codicote Pre School and/or provision serving the development index linked to BCIS 1Q2022)<br><br>£513 towards increasing the capacity of 5–11-year-old childcare facilities at Codicote Primary School and/or provision serving the development (index linked to BCIS 1Q2022) |                              | Policy SP7<br><br>Developer Contributions SPD |
| SEND                | £54,460 towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (index linked to BCIS 1Q2022)  |                              | Policy SP7<br><br>Developer Contributions SPD |
| Library             | £9,555 towards increasing the capacity of Welwyn village library and/or provision serving the development (index linked to BCIS 1Q2022)   |                              | Policy SP7<br><br>Developer Contributions SPD |
| Youth               | £12,713 towards the delivery of a new centre at Stevenage and/or provision serving the development (index linked to BCIS 1Q2022)  |                              | Policy SP7<br><br>Developer Contributions SPD |
| Waste services      | £4,239 towards the new provision at Welwyn Garden City and/or provision serving the development (index linked to BCIS 1Q2022)<br><br>£7,212 towards the new provision at Northern Transfer Station and/or provision serving the development (index linked to BCIS 3Q2022)   |                              | Policy SP7<br><br>Developer Contributions SPD |

|                          |  |  |  |
|--------------------------|--|--|--|
| Highways                 | £286,692 towards Sustainable Transport and New Infrastructure in accordance with the County Councils Toolkit 2021.<br><br>(£75,950 index linked to BCIS 1Q2022 of this sum to go towards the expansion of bus service through Codicote – to improve the 44/45 and 314/315 bus routes or other such services that route through Codicote (15.19% of £500,000 already secured through the 3 other Codicote allocated housing sites)) |  | Policy SP7<br><br>Developer Contributions SPD                                    |
| Fire and Rescue          | £15,985 towards the expansion at Welwyn Garden City fire station and/or provision serving the development (index linked to BCIS 1Q2022)  |  | Policy SP7<br><br>Developer Contributions SPD                                    |
| Monitoring fee           | £340 adjusted for inflation against RPI July 2021.   |  | Policy SP7<br><br>Developer Contributions SPD                                    |
| <b>NHDC:</b>             |  |  |  |
| Waste and recycling bins | £75 per dwelling   |  |  |
| SUDs                     | N/A  |  |  |
| Play space               | N/A  |  |  |
| Open space               | N/A  |  |  |
| Pitch sports             | N/A  |  |  |
| Arts and culture         | N/A  |  |  |
| Community halls          | N/A  |  |  |
| Affordable housing       | 17 dwellings – 11 rented and 6 intermediate housing tenure.<br><br>For the rented element:<br>1 bed flats (4) including one to M4(3) wheelchair accessible<br>2 bed houses (3)<br>3 bed bungalow M4(3) wheelchair adapted (1)<br>3 bed houses (2)<br>4+ bed houses. (1)<br><br>For the intermediate element<br>2 bed flats/ maisonettes (2) *<br>2 bed houses (1)<br>3 bed houses (3)  |  | Policy HS2 Affordable Housing<br><br>Policy HS5 Accessible and Adaptable Housing |

|                     |  |  |   |
|---------------------|--|--|---|
|                     | * The 2 bed intermediate flats/maisonettes must have their own separate entrances<br><br>.....unless otherwise agreed in writing by the council  |  |   |
| BNG ecology /       | N/A  |  |   |
| Monitoring fee      | <i>The Council will seek 2.5% of the value of the contributions being monitoring with a minimum of £750 and a cap of £25,000. This is considered a fair cost that will reflect the value of the S106 agreement and will not affect the viability of a scheme</i>   |  |   |
| <b>Other:</b>       |  |  |   |
| NHS                 | N/A  |  |   |
| Parish Council      | £112,583.91 for the Scout Hut Project<br><br>£25,233.21 for the Pavilion Project<br><br>Figures have been derived from total cost of each project divided by the four allocated sites in Codicote, index linked.<br><br>£4,270 towards the repair and refurbishment of the Valley Road Play Area, in lieu of providing a LEAP on site. |  | Policy SP7<br><br>Developer Contributions SPD |
| Peace Memorial Hall | £50,000 for works to the Peace Memorial Hall   |  | Policy SP7<br><br>Developer Contributions SPD |

4.3.49 Whilst the Council acknowledged that all of the aforementioned contributions will go a significant way to mitigating the impacts of the proposed development, the £543,690 towards the expansion of Codicote C of E Primary School and/or provision serving the development directly relates to the requirements of Policy CD3, which states that; *Appropriate solution for expansion site of Codicote Primary School to be secured to accommodate additional pupils arising from this site; and Contribution towards expansion of Codicote Primary School.* The Council consider that this matter is addressed by this agreed contribution.

4.3.50 In respect of the Parish Council contributions, it was agreed the four allocated sites in Codicote would provide a contribution to the Scout Hut and Pavilion projects proportionate to the percentage of new housing being delivered. CD5 secured 44.5%, CD1 secured 23.17% and CD2 secured 17.14%, leaving the application site CD3 to secure 15.19%. As such, the agreed contributions of £112,583.91 for the Scout Hut Project and £25,233.21 for the Pavilion Project have been calculated accordingly and have been index linked. The Council consider that these contributions are reasonable and CIL compliant.

4.3.51 Furthermore, the Council are aware that in a similar way to the Parish Council's Scout Hut and Pavilion projects, which have pooled money together from the four allocated housing sites based on the number of dwellings proposed in order to pay for those projects, that the other three allocated sites have secured contributions in the s106 towards the expansion and improvement of the local bus service. As such, it is considered reasonable and justified to allocate a portion of the requested contributions from the Highway Authority for sustainable transport to this expansion of the bus service, which costs £500,000 in total with this site securing the remaining 15.19% of £500,000 = £75,950 (figure to be index linked). Following internal consultation with the Highway Authority, they have confirmed that this is reasonable and is acceptable in principle.

4.3.52 Lastly, the Peace Memorial Hall submitted a contributions request for this development covering a range of works totalling £450,000. The Council and indeed the Applicant considered this full request and deemed that that the full amount was not CIL compliant and was unreasonable or not fully justified. There were also a fair amount of proposed works that the Council would consider to be maintenance works, which cannot be secured through a s106. However, the Council considered that part of the proposed works and equivalent contributions would be CIL compliant, such that they are directly related to the development, fairly and reasonably in scale and kind, and necessary to make the proposed development acceptable as future occupiers of these dwellings may increase the use of this building. These proposed works which total £50,000 have been agreed by the applicant and form part of the agreed Heads of Terms, are set out below:

- New fire doors - Recent survey stated these are end of life and require replacement - £10K
- New windows in man hall - Recent survey stated these are end of life and require replacement - £5K
- Disabled access / Disabled toilet / Storage - Identified in a recent survey as an item requiring attention. Re-designing existing spaces to facilitate disabled access by improved use of current space. Potential for side access, relocation of disabled toilet and general redesign of overall space - £20K
- Painting and decorating - Improved look and feel of the hall to extend appeal and usage - £10K
- Audio Visual facilities - To extend the usability of the hall - £5K

4.3.53 Following consultation with the agent and the County Councils Growth and Infrastructure Department and the Highway Authority, the Council are satisfied that the planning obligations that have been sought meet the tests of paragraph 57 of the NPPF.

#### 4.4 Overall Planning Balance and Conclusion

4.4.1 The site is allocated for residential development in the adopted North Herts Local Plan under Policy CD3. The site is within the settlement boundary of Codicote, one of the district's five larger villages, within which 13% of new housing will be delivered. There is no objection to the principle of residential development on this site, which is attached significant weight, and the suitability of development is considered against the site-specific policy criteria.

4.4.2 Policy CD3 sets out the site-specific criteria for acceptable development on this site. Whilst the site estimation is 48 homes, the proposal is for 42 which is considered acceptable. The proposal would, through the agreed developer contributions as set out in the Heads of Terms, contribute financially to the expansion of Codicote C of E Primary School and/or provision serving the development, in line with the first and second criteria of Policy CD3. The application has been supported by a Transport Statement and the Highway Authority have acknowledged that a cumulative impact assessment of sites CD1, CD2, CD3 and CD5 had been undertaken, concluding that they are satisfied with the projections and associated impacts, in line with the third criteria of Policy CD3. The application is supported by a Flood Risk Assessment (FRA), Drainage Strategy, a Flood Risk Addendum and outline design plans to account for the local flood risk issues and surface water drainage at this location. The LLFA have formally responded to this application and following a review of the submitted documents, they consider that the details are acceptable subject to conditions, which is in accordance with the fourth and fifth criteria of Policy CD3. The applicants have submitted two possible options to deal with the Footpaths 007 and 008 and the County Councils Right of Way Team has formally responded to this application, advising on the formal process to apply for a diversion and best practise guidance for keeping RoWs clear during the build phase. In any case, these matters are outside the scope of the consideration of this planning application, but they appear to be reasonable options in line with the County's RoW Team, such that it is considered that the proposal is in accordance with the sixth Policy CD3 criteria. Lastly, the Council's Conservation Officer has formally responded to this application, agreeing with the conclusions of the submitted Heritage Impact Assessment that the development would not result in any harm to the setting or significance of the Grade II listed The Bury, which addresses the relevant seventh of Policy CD3. Therefore, it is considered that the proposal is compliant with the site-specific criteria set out in Policy CD3 of the Local Plan, which is deemed to warrant significant weight.

4.4.3 This application is outline with all matters reserved apart from access. Following consultation with the Highway Authority, it is considered that the Applicant has satisfactorily addressed the technical matters and concerns raised by the Highway Authority in their formal responses, such that the development will be served by a suitably designed vehicular/pedestrian access, with acceptable associated measures including a new footway on the eastern side of The Close and a pedestrian crossing to Valley Road and will not lead to highway safety problems or cause unacceptable highway impacts.

4.4.4 Overall, the proposed development is considered acceptable in principle and has suitably addressed the remaining material planning considerations including play area/space, ecology, affordable housing/housing mix, archaeology, and energy/sustainability at this stage. The applicants have agreed to the proposed Heads of Terms which include significant contributions to mitigate the impact of the development.

4.4.5 The application is therefore recommended to the Planning Committee with a resolution to grant, subject to the below matters.

#### **4.5 Alternative Options**

4.5.1 N/A

#### **4.6 Pre-Commencement Conditions**

4.6.1 The agent is in agreement with the proposed pre-commencement conditions.

## 5.0 Recommendation

5.1 That planning permission resolved to be **GRANTED** subject to:

- A) the completion of a S106 agreement in line with the agreed Heads of Terms.
- B) the agreement to an extension of time to the statutory determination date to allow time for (A) to occur; and
- C) the conditions and informatives set out below:

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

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

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

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 2015 as amended.

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

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

4. No development shall commence until detailed technical plans are 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 the vehicle access and associated highway works (including off Valley Road) concerning the connectivity of the access road with The Close, as shown in drawing no.'s 898-TA13 rev A dated 06.08.24 and 898-TA05 rev B. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed prior to the first occupation/use of the development.

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

5. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6. Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:
- the phasing of construction and proposed construction programme.
  - the methods for accessing the site, including wider construction vehicle routing.
  - the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
  - the hours of operation and construction vehicle movements.
  - details of any highway works necessary to enable construction to take place.
  - details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
  - details of any hoardings and how visibility splays will be maintained.
  - management of traffic to reduce congestion.
  - control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
  - the provision for addressing any abnormal wear and tear to the highway.
  - waste management proposals.
  - Provision of sufficient on-site parking prior to commencement of construction activities;
  - Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
  - 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 and remaining road width for vehicle movements.

Reason: To minimise the impact of the construction process on the on local environment and local highway network in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

7. No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted Geo-Environmental Services Ltd report dated 11 November 2022 (Ref: GE21276/DSR/NOV22), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing detail of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

8. Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.



Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

9. Prior to occupation, all 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.

10. A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as required 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.

B 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 (A)

C 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 (A) and the provision made for analysis and publication where appropriate.

Reason: to provide full consideration for the likely archaeological implications of this development, in line with Policy HE4 of the Local Plan.

11. No development shall take place until a Construction Environmental Management Plan (CEMP) for biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This must include:
  - I. Best practice measures to ensure the protection of retained vegetation during construction;
  - II. Best practice measures to ensure any invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 encountered within the site will be removed and disposed of as controlled waste;

III. A precautionary working method for hedgehogs.

- c. The location and timings of sensitive works to avoid harm to nesting birds.
- d. Details of a translocation programme for slow-worms.

The CEMP should include a statement to the effect that if any protected species are encountered during any stage of the development, then works must cease immediately and advice be sought from a suitably qualified ecologist on how best to proceed.

Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure sensible working practices which protect ecology on and adjacent to this site, in accordance with Policy NE4: Biodiversity and Geological Sites.

12. No external lighting shall be installed until a wildlife-sensitive lighting scheme and biodiversity lighting statement to ensure that foraging and commuting bats - and other nocturnal wildlife - are not disturbed by the proposal has been submitted to and approved in writing by the LPA. The lighting strategy must follow the recommendations under Paragraphs 7.4.2 and 7.4.3 of the Ecological Impact Assessment by Blackstone Ecology Ltd. (TL 22006 18301 December 2023). Thereafter the lighting shall be delivered and maintained in accordance with the approved lighting scheme in perpetuity.

Reason: in the interests of ecology and biodiversity and in line with Policy NE4 of the Local Plan.

13. Prior to the commencement of the development, a Biodiversity Enhancement and Management Plan (BEMP) shall have been submitted to and approved in writing by the local planning authority, and the plan shall include:
- i. description, evaluation and location of the ecological features and biodiversity enhancement measures to be created and managed;
  - ii. ecological trends and constraints on site that might influence management;
  - iii. aims and objectives of biodiversity enhancements and their management including for protected species;
  - iv. appropriate management options for achieving the aims and objectives of the project;
  - v. prescriptions for management actions;
  - vi. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - vii. details of the body or organisation responsible for implementation of the plan;
  - viii. on-going monitoring and remedial measures; and
  - ix. details of the legal and funding mechanism by which the long-term implementation of the plan will be secured.

The development shall be implemented in accordance with the approved BEMP.'

Reason: In the interests of ecology and biodiversity and in line with Policy NE4 of the Local Plan.

14. No development shall take place (including ground works and vegetation clearance) until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:

- a. A Description and evaluation of the features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management.
- d. Appropriate management options for achieving aims and objectives (for example but not limited to native tree, hedgerow and copse planting, wildflower areas; enhancements such as bat, bird (including swift terraces on new buildings) and insect boxes, hedgehog homes and highways through fencing, log piles for reptiles and invertebrates).
- e. Prescriptions for management options.
- f. Preparation of a works schedule (including an annual work plan capable of being rolled forward over a minimum five-year period).
- g. Management responsibilities.
- h. Ongoing monitoring and remedial measures.

These works shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the ecological impacts of the biodiversity present are properly addressed on this site and to demonstrate enhancements for biodiversity can be delivered from the development.

15. 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 produced on site and should contain information including estimated types and quantities of waste to arise from construction and waste management actions for each waste type. The development shall be carried out in accordance with the approved SWMP.

Reason: To promote the sustainable management of waste arisings and contribution towards resource efficiency, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document (2012).

16. Prior to or in conjunction with the submission of each reserved matters application, in accordance with the submitted FRA and or Drainage Strategy (Flood Risk Assessment and Revision E: December 2023 Report Reference: 898-FRA-01-E) detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
  1. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed infiltration features.
  2. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).
  3. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
    - a. 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.

- b. 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume, and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
4. The design of the infiltration basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.
5. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
6. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
7. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 173,175 and 180 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

17. Prior to or in conjunction with the submission of each Reserved Matters application a detailed Site SuDS Phase plan which aligns with the site phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This SuDS Phasing plan shall ensure that each phase does not exceed the agreed discharge rates for that phase and that source control measures are installed within each phase to adequately address the phases own surface water runoff. The plan shall ensure that each SuDS component is adequately protected throughout the development of the scheme. The plan shall show all exceedance routes throughout the site clearance and construction of the scheme ensuring flood risk is not increased elsewhere or to the site itself and that the site remains safe for all exceedance event flow routes for the lifetime of the development during rainfall (i.e. greater than design events or during blockage) and how property on and off site will be protected.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Council : Policy NE8: Sustainable drainage systems (Reducing Flood Risk), Policy NE9: Water quality and environment, Policy SP12: Green infrastructure, biodiversity and landscape

18. Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system.

The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority.

Reason: To prevent flooding and pollution offsite in accordance with the NPPF

19. Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected.

20. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

1. a timetable for its implementation.
2. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
3. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Council.: Policy NE8: Sustainable drainage systems (Reducing Flood Risk), Policy NE9: Water quality and environment, Policy SP12: Green infrastructure, biodiversity and landscape.

21. Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of as built drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of Council.: Policy NE8: Sustainable drainage systems (Reducing Flood Risk), Policy NE9: Water quality and environment, Policy SP12: Green infrastructure, biodiversity and landscape.

22. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment (dated December 2023), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any design flood level and 150mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policies of Council Policy NE8: Sustainable drainage systems (Reducing Flood Risk), Policy NE9: Water quality and environment, Policy SP12: Green infrastructure, biodiversity, and landscape.

23. Prior to first use of the development a detailed flood emergency plan shall be submitted to and approved in writing by the Local Planning authority this plane shall be in accordance with the ADEPT/EA Flood risk emergency plans for new development Guidance'.

Reason: To ensure the flood risk is adequately addressed for each new dwelling and future users can have free access and egress from the development and their dwellings during a design flood event in accordance with NPPF

24. No development shall take place until written details are approved by the LPA of the model and location of 42 integrated Swift bricks, to be fully installed prior to occupation and retained thereafter.

Reason: in the interests of ecology and biodiversity and in line with Policy NE4 of the Local Plan.

**Proactive 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.