

NORTH HERTFORDSHIRE DISTRICT COUNCIL



10 July 2026

Our Ref Planning Control Committee 23 July 2026
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To: Members of the Committee: Councillors Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Clare Billing, Ruth Brown, Val Bryant, Ian Mantle, Caroline McDonnell, Louise Peace, Martin Prescott, Tom Tyson, Claire Winchester and Dave Winstanley

Substitutes: Councillors Daniel Allen, Sadie Billing, Jon Clayden, Sam Collins, Mick Debenham, Joe Graziano, Bryony May, Michael Muir, Steve Jarvis, Claire Strong and Tamsin Thomas

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERNON
ROAD, LETCHWORTH, SG6 3JF**

On

THURSDAY, 23RD JULY, 2026 AT 7.00 PM

Yours sincerely,

Isabelle Alajooz
Director – Governance

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda

Part I

Item		Page
1.	APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2.	MINUTES - 18 JUNE 2026 To take as read and approve as a true record the minutes of the meeting of the Committee held on the 18 June 2026.	(Pages 5 - 16)
3.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4.	CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5.	PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	

6. **26/00587/S73 ICKLEFORD MILL, ARLESEY ROAD, ICKLEFORD, HITCHIN, HERTFORDSHIRE, SG5 3UN** (Pages 17 - 48)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Variation of conditions 4, 10,11,14, 16, 17, 18, 19, 31 32, 35 and 37 of outline planning permission 17/01955/1 granted 11.03.2024 for up to 71 dwellings and associated access, car parking, garages, landscaping and open space including demolition and removal of all existing structures, buildings and hardstanding (all matters reserved except means of access).

7. **26/00631/RM ICKLEFORD MILL, ARLESEY ROAD, ICKLEFORD, HITCHIN, HERTFORDSHIRE, SG5 3UN** (Pages 49 - 70)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Reserved matters application for appearance, landscaping, layout and scale in relation to erection of 55 dwellings and associated access, car parking, garages, landscaping and open space pursuant to Outline Planning Permission 17/01955/1 (as varied by associated Section 73 Planning Application)(as amended by plans received June 2026).

8. **APPEALS** (Pages 71 - 122)
To update members on appeals lodged and any decisions made.

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER - DISTRICT COUNCIL OFFICES, GERON ROAD, LETCHWORTH, SG6 3JF
ON THURSDAY, 18TH JUNE, 2026 AT 7.00 PM

MINUTES

Present: *Councillors: Nigel Mason (Chair), Emma Fernandes (Vice-Chair), Clare Billing, Ruth Brown, Val Bryant, Ian Mantle, Caroline McDonnell, Louise Peace, Tom Tyson, Claire Winchester, Dave Winstanley and Claire Strong (In place of Martin Prescott).*

In Attendance: *Luca Benedito (Trainee Committee, Member and Scrutiny Officer), Peter Bull (Project Officer), Faith Churchill (PA - Director Governance), James Lovegrove (Committee, Member and Scrutiny Manager), Frank Mabbett (Tree and Landscape Officer), Anne McDonald (Principal Planning Officer (Development Management)), Nazneen Roy (Locum Planning Lawyer) and Melissa Tyler (Senior Planning Officer).*

Also Present: *At the commencement of the meeting approximately 9 members of the public, including registered speakers.*

Councillor Ian Albert was also in attendance as Member Advocate Objector.

11 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 26 seconds

Apologies for absence were received from Councillor Martin Prescott.

Having given due notice, Councillor Claire Strong substituted for Councillor Prescott.

12 NOTIFICATION OF OTHER BUSINESS

Audio recording – 1 minute 43 seconds

There was no other business notified.

13 CHAIR'S ANNOUNCEMENTS

Audio recording – 1 minute 46 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

N.B. Councillor Claire Strong declared her interest in Agenda Item 6, as Member Advocate Objector, and advised she would move to the public speaking gallery at the appropriate time in the meeting.

- (3) The Chair clarified matters for the registered speakers.
- (4) The Chair confirmed the procedure for moving to debate on an item.
- (5) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.
- (6) The Chair confirmed the cut off procedure should the meeting proceed at length.

14 PUBLIC PARTICIPATION

Audio recording – 4 minutes 26 seconds

The Chair confirmed that the registered speakers were in attendance.

15 **25/03084/RM LAND TO THE EAST OF TALBOT WAY AND KRISTIANSAND WAY AND FLINT ROAD ALLOTMENTS, FLINT ROAD, LETCHWORTH GARDEN CITY, HERTFORDSHIRE, SG6 1TY**

Audio recording – 5 minutes 51 seconds

The Project Officer provided a verbal update on matters relating to Application 25/03084/RM and advised that:

- This was a Reserve Matters application following the granting of Outline Permission in April 2025 and was for up to 120 dwellings.
- A supplement had been published which confirmed the final documents to be considered with this application.
- A proposed additional condition was included within the supplementary document.

The Project Officer then presented the report in respect of Application 25/03084/RM accompanied by a visual presentation consisting of plans and photographs.

The following Members asked questions:

- Councillor Ian Mantle
- Councillor Ruth Brown
- Councillor Tom Tyson
- Councillor Dave Winstanley
- Councillor Emma Fernandes
- Councillor Louise Peace
- Councillor Claire Strong
- Councillor Val Bryant

In response to questions, the Project Officer advised that:

- The Outline Planning application established that pedestrian connection would be through the school, though it was unclear how this would work in reality. Otherwise, pedestrian and cycle access to the site would be via Right of Way 26 to the east.
- There was a Masterplan document approved as part of the Outline Planning application.
- Whilst this application pre-dated the Design Code adoption, this was discussed with the applicant throughout the process and has led to the inclusion of certain aspects to meet the Code, such as balconies installed on the apartment blocks and the provision of open spaces on site.
- The design had not been presented to the Design Review Panel.
- The highest building would be a maximum of three stories and would be located in the lower part of the site in the south.

- The SUDs features were multi-use by design and would be an open play area when not used as SUDs.
- There were a number of revised documents for this application as a high level of work had been put into ensuring the layout was appropriate. Therefore, whenever a site plan was updated in the process, a new, updated layout plan was produced.
- Through the documents on the website, it was possible to see the development from the original plan to the plan presented at this meeting.
- The site met tenant neutrality requirements and it would not be possible to distinguish between the housing types.
- There were lots of high quality open spaces provided, with landscaping and trees to be planted, with input from Officers to ensure the scheme was of a high quality.
- Sustainability had been dealt with in the Outline Planning application, and a statement from the Applicant had been provided as part of this. It was proposed that 4 solar panels would be installed on each house and that air source heat pumps would be installed.
- The biodiversity requirements had been dealt with through condition and had been agreed with the North Herts Ecologist.
- A Management Plan had not yet been submitted but was required as part of the S106 agreement.
- There were bird and bat boxes installed on site and there would be further wildlife measures included around the site boundary.
- The S106 agreement was made as part of the Outline Planning application. There were still aspects of this to be discharged, but that sat outside of the application at this meeting.

In response to questions, the Locum Planning Lawyer advised that the S106 agreement had been signed off as part of the Outline Planning Application, which included conditions which the developer would have to comply with to ensure trigger points for payments were met and the agreement could be signed off.

The Chair invited the first Public Objector, Mr Roger Lovegrove, to speak against the application. Mr Lovegrove thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- Decarbonise Letchworth wanted all new developments to be no brick, no gas, no bills and no garages.
- Well insulated houses, supported by solar panels and air source heat pumps, would mean houses would not need to pay for energy.
- Whilst the installation of air source heat pumps was welcomed, and updated information confirmed that solar panels would be installed on the houses, the provision of solar proposed was not sufficient or suitably located to be of maximum benefit.
- Alternative materials to brick should be used on site, as these were not good insulators. Although home buyers and developers want to use brick as it was long lasting, other countries used alternative materials.
- Wooden frames should be considered, as these would be quicker to install and can meet higher eco standards.
- It was unclear from proposals whether the entire site would be no gas.
- Cars in the 21st century did not need garage storage and instead suitable outbuildings should be provided for storage.
- Some proposed garages on this site amounted to 50% of the back garden space and, as the garages were proposed to be in the rear garden, they would require a driveway for access, taking up more of the garden space.
- Delivering sustainability and self-sufficiency on this site should be the priority.

There were no points of clarification from Members.

The Chair thanked Mr Lovegrove for their presentation and invited the agent to the Applicant, Mr Mark Osborn, to speak in support of the application. Mr Osborn thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This was a Reserve Matters application for up to 120 dwellings on site LG3, which was an allocated site within the adopted Local Plan.
- Already agreed at the Outline Permission stage were the number of dwellings, the provision of 40% affordable housing, the retention of the allotments, access via Flint Road, a comprehensive landscaping plan and a Masterplan document for the site.
- The Masterplan defined the principles of the development and the final design responded to the landscape and existing built area.
- The proposals encompassed future homes principles and would link into existing travel networks.
- The developer had worked closely with Officers throughout the process.
- There had been key engagement with the Lead Local Flood Authority, the Highways Authority and the public through a consultation hosted on the Letchworth Garden City Heritage Foundation website.
- There were no outstanding technical objections.
- The rural lane on the edge of the site had been increased to 3m, following discussions with Officers and was supported by the County Council.
- There was no condition or local or national policy to require solar PV installation on site, but the developer had agreed to meet these standards, as well as installing air source heat pumps.
- The final design of dwellings would be confirmed in the next few weeks, but the approximate location of dwellings was included in the plans.
- Refuse collection would mainly be from the kerbside, but otherwise it was within 30m of the dwelling.
- No trees would be lost to accommodate play areas.
- A water point would be provided for the allotments.
- The aim was to preserve and enhance the landscape and setting, whilst delivering a meaningful and timely contribution to the housing need in the district.

The following Members asked points of clarification:

- Councillor Dave Winstanley
- Councillor Tom Tyson

In response to points of clarification, Mr Osborn advised that:

- Pedestrian access would be possible through the north of the site, via a footpath through the woods which would link to the existing network.
- The S106 agreement included various improvements to existing Rights of Way in the area, with details submitted to Officers on these proposed improvements.
- It was not a conscious decision to omit flared eaves, as seen elsewhere in Letchworth, but simply followed the design document included at the Outline Planning stage. There were other aspects of the Garden City principles which had been included in these proposals.
- The site would not be self-sufficient as it stands, but what has been provided on this site was above and beyond what was required of developers, with some PV installed on dwellings and charging points for cars across the site.
- They were doing as much as any developer in the UK to promote self-sufficiency of sites, but this was not completely possible.
- The water point at the allotments would be provided by the developer as part of the Allotment Improvement plan, which would include installation of toilets and storage as well.

In response to points raised during the public participation, the Project Officer confirmed that:

- The original improvements proposed for access along Flint Road was proposed at 2m width. However, through negotiations, this was now proposed to be 3m width, to provide access for cyclists and pedestrians.
- The application had been inspired by Garden City arts and crafts principles but had not followed them completely. However, there was good detailing around the proposed dwellings, which would mean the site would be considered as part of Letchworth Garden City and would not stand out through design.

Councillor Nigel Mason, as Chair, proposed and Councillor Emma Fernandes seconded and, following a vote, it was:

RESOLVED: That application 25/03084/RM be **APPROVED** subject to:

- A) The delegation of power to the Development and Conservation Manager to update conditions with minor amendments as required.
- B) The inclusion of any conditions recommended by Hertfordshire County Council Highways.
- C) The conditions as set out within the report, with the addition of Condition 4 as follows:

‘Condition 4:

Approved elevation dwellings which do not include a fourth (side) elevation detailing shall be mirrored to match the side elevation provided.

Reason: For the avoidance of doubt and to ensure a satisfactory appearance to the development.’

16 25/03153/FP LAND TO THE EAST OF 2, WEST LANE, PIRTON, HERTFORDSHIRE, SG5 3RA

Audio recording – 47 minutes 36 seconds

N.B. At the start of this item, having previously declared an interest as Member Advocate objector, Councillor Claire Strong moved to the public speaking gallery.

The Principal Planning Officer advised there were no updates to the report, however clarified for Members that the application was for the retention of the existing hardstanding area, the gravel laid on site and proposed work for landscaping. The use of the site for a mobile home was not for consideration with this application.

The Principal Planning Officer then presented the report in respect of Application 25/03153/FP accompanied by a visual presentation consisting of plans and photographs.

In response to questions from Councillor Tom Tyson, the Principal Planning Officer advised that:

- A landscaping condition had been proposed and details of that, including hedge heights, would need to be agreed with the Applicant.
- It would be difficult to impose a minimum hedge height, as sapling would need to be planted and would take time to grow. It would therefore not be reasonable to apply a condition on this aspect.
- A condition could be included to impose a requirement to replace any trees which died within 5 years, but the size could not be conditioned.

The Chair invited the Member Advocate Objector, Councillor Claire Strong, to speak against the application. Councillor Strong thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- All previous applications for dwellings on this site had been refused. Previously a caravan had been positioned on the site, which was then provided a Certificate of Lawful Dwelling.
- The previously small caravan has been replaced with a larger static home and the site has been cleared of shrubs at the front and gravel has been installed, which did not appear compliant with standards required for highways.
- The site was outside of the village boundary and was situated between two larger properties, with views through to the fields beyond.
- The hardstanding footprint was excessive and now ran from the front of the site through to the caravan at the rear.
- There had been no continuous use of the caravan since the previous occupant died in the early 2000s.
- If this was an application for a new dwelling, then an EV charging point should be included as required by policy.
- The driveway appeared disproportionate to the site.
- The street scene had dramatically changed through the works already carried out on site and this application sought to regularise the actions which had already been done.
- The Parish Council, who were unable to register to speak at this meeting, did not feel this was appropriate for the village and had concerns over the Right of Way to the side of the site, the lighting situation on the site and over the proposed installation of a septic tank.

There were no points of clarification from Members.

The Chair thanked Councillor Strong for their presentation and invited the agent to the Applicant, Mr Tony White, to speak in support of the application. Mr White thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- This application was sought to facilitate works at an existing caravan site, with lawful consent for this use granted in 1995.
- There was no restriction on the number of caravans allowed on site in the Certificate granted in 1995.
- No period of vacancy of the site would invalidate the existing certificate.
- There were proposed improvements to both hardstanding and landscaping on site and would provide the site with its own access, rather than through the current shared access point.
- There was support from the Highways Authority for the application, which would mirror neighbouring properties.
- The site was outside of the Conservation Area and there were no listed buildings in the vicinity.
- The Applicant had worked hard to positively address concerns raised in the refused application. There were improved landscaping proposals, improved delivery of Biodiversity Net Gain on site and the installation of instant hedging.
- All five of the previous reasons for refusal had now been addressed and this was confirmed in the report of the Officer.
- If the application was refused, the Biodiversity Net Gain would be lost and the site would still be able to be used.
- Condition 2 clarified what caravans and how many could use the site, which would not be in place should permission be refused.

The following Members asked points of clarification:

- Councillor Val Bryant
- Councillor Emma Fernandes
- Councillor Tom Tyson
- Councillor Claire Winchester

In response to points of clarification, Mr White advised that:

- The certificate did not limit the number of caravans allowed on the site. As no specific number was included in the certificate, it would be difficult to defend this position on appeal.
- The static caravan on site was currently occupied.
- The touring caravan on site was owned by the Applicant.
- He was not aware of protective fencing on the driveway currently, but anything not included within the application would be removed.
- The hedging installed would be native and instant hedging, which was covered by the soft and hardstanding condition included. Trees would be installed and staggered at 5m apart, with hedging to supplement.
- Plans for landscaping would be provided to Officers as part of the conditions, but it would not be reasonable for a condition to be included for a minimum hedge height.
- A condition could be included to require the hedging to be planted at the first planting season following consent.

In response to points raised during the public participation, the Principal Planning Officer confirmed that it was felt that the conditions proposed would be robust and sufficient to cover points raised by Members.

In response to a further question from Councillor Ruth Brown, the Principal Planning Officer advised that the orange coloured gravel would be retained on site, but it was expected that the proposed landscaping would provide sufficient screening of this from the street view.

N.B. Following the conclusion of the public participation, Councillor Strong left the Chamber for the debate and vote on this item.

Councillor Nigel Mason, as Chair, proposed and Councillor Emma Fernandes seconded and, following a vote, it was:

RESOLVED: That application 25/03153/FP be **GRANTED** planning permission subject to the conditions and informatives outlined in the report of the Development and Conservation Manager.

N.B. Following the conclusion of this item, there was a break in proceedings and the meeting reconvened at 20.28, at which point Councillor Strong returned to the Committee.

17 26/00403/S73 151C BEARTON ROAD, HITCHIN, HERTFORDSHIRE, SG5 1UB

Audio recording – 1 hour 26 minutes 05 seconds

The Senior Planning Officer advised there were no updates to the report, however clarified for Members that:

- This application was only to consider an extension of opening hours between 4-8pm on Sundays.
- Whilst issues were acknowledged at a neighbouring business, this application should be assessed on its own merits and no objections had been received from Environmental Health.
- The application was for a 12-month temporary period, before consideration of a permanent arrangement.

The Senior Planning Officer then presented the report in respect of Application 26/00403/S73 accompanied by a visual presentation consisting of plans and photographs.

In response to a question from Councillor Louise Peace, the Senior Planning Officer advised that after the 12-month period, an application would be required to make the changes to the operating hours permanent. This would only return to the Planning Control Committee for consideration if it was called-in by a Ward Member.

The Chair invited the Member Advocate Objector, Councillor Ian Albert, to speak against the application. Councillor Albert thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- There were many high quality hospitality businesses in Hitchin, of which this was one, and given the current viability of the hospitality sector, this was not an attempt to prevent business.
- There have historically been three businesses in this area of Bearton Road, with several attempts at other sites having been rejected.
- It was sensible that this was a proposed 12-month trial.
- The biggest impact would be on Brampton Park Road residents, which was where delivery vehicles parked to wait for orders. There was also a large amount of noise from kitchens, which it should be acknowledged the Applicant tonight was already taking steps to address at his premises.
- It was proposed that only in house drivers would be used, but the business was available through JustEat and Uber Eats. This position needed to be clarified.
- There was an increased risk to pedestrians.
- Proposed Sunday hours would impact on residents right to private enjoyment, especially considering the cumulative effects in this area.
- Mitigations should be put in place to reduce harm to residents where possible.
- Whilst there were dangers of a precedent being set by approving this application, the inclusion of a trial period and delivery only service was welcomed.
- Some further clarification was required around the rear door of the premises and whether it would only use in house delivery drivers.

There were no points of clarification from Members.

The Chair thanked Councillor Strong for their presentation and invited the Applicant, Mr Abdul Mummin, to speak in support of the application. Mr Mummin thanked the Chair for the opportunity and provided the Committee with a verbal presentation, and highlighted the following:

- He had attended the meeting with a hope that a small business would be given the opportunity to thrive in Hitchin.
- Comments on the rear door have been looked at and acted on, with the door now required to remain closed and the shed at the rear should only be opened once on arrival and once at the end of the shift.
- He operated several other sites under the same name and part of the business ethos was ensuring residents were happy to ensure that the business could survive.
- They could use external delivery drivers, but they would not always meet the ethics of the business and so it was decided that only in house delivery drivers would be used to ensure standards of service.
- As part of this, it was expected that only one delivery driver would be required on a Sunday evening, with an expected 12 orders over the additional 4 hour opening period.

In response to a point of clarification from Councillor Claire Strong, Mr Mummin advised that the rear door did not currently have a soft-closing feature installed, but this could be done.

In response to points raised during the public participation, the Senior Planning Officer confirmed that conditions in relation to the rear door and parking of delivery drivers had been considered but was not enforceable and therefore had not been included.

In response to a further question from Councillor Clare Billing, the Senior Planning Officer advised that the temporary permission would allow for any issues during this period to be raised and investigated by Environmental Health. When a permanent application was received, should complaints have been made during the temporary period, these would be documented and considered as part of the permanent application process.

Councillor Nigel Mason, as Chair, proposed to grant permission and this was seconded by Councillor Emma Fernandes.

The following Members took part in the debate:

- Councillor Dave Winstanley
- Councillor Claire Strong

Points raised during the debate included that:

- It was a well run takeaway business and, whilst not preferable to all immediate neighbours, it would not create unacceptable harm.
- The times proposed were still sociable and not late night, there would be one in-house delivery driver, it would operate as delivery only and was for a 12-month period.
- The Applicant has confirmed that he would explore changes to the rear door.
- If noises were reported from the rear door, then this would be an indication that it had been deliberately left open.
- There was apprehension about applying too much micro-detail onto businesses through condition.

In response to points raised during the debate, the Locum Planning Lawyer advised that as no objections have been received from the Environmental Health team it would not be possible to impose conditions relating to the noise of the rear door on this application.

In response to a question from Councillor Tom Tyson, the Senior Planning Officer advised that the application was for a change to the operating hours, but the intensity of use would be considered when a permanent application was made in a year. If the intensity was such that complaints were received, then these would be lodged as objections on the permanent application and a different recommendation may be proposed.

Having been proposed and seconded and following a vote, it was:

RESOLVED: That application 26/00403/S73 be **GRANTED** planning permission subject to the conditions and informatives outlined in the report of the Development and Conservation Manager.

18 TPO00226 (2026) LAND AT MILL LANE (LONDON ROAD END) ST IPPOLYTS, SG4 7NN

Audio recording – 1 hour 52 minutes 03 seconds

The Tree and Landscape Officer presented the report in respect of Application TPO/00226 accompanied by a visual presentation consisting of plans and photographs.

In response to a question from Councillor Ruth Brown, the Tree and Landscape Officer advised that whilst not all the trees were in great condition, there was benefit in protecting them for 20 years and an application could be made to the Council in order to carry out any works required.

Councillor Nigel Mason proposed to confirm the Tree Protection Order and this was seconded by Councillor Ruth Brown.

The following Members took part in the debate:

- Councillor Ruth Brown
- Councillor Val Bryant
- Councillor Clare Billing

The following points were made as part of the debate:

- It was important to protect trees, so long as there was an option for necessary works to be carried out, if required.
- Trees will be increasingly important to residents over the next 20 years in terms of well being a quality of life.

In response to a question from Councillor Claire Strong, the Tree and Landscape Officer advised that the Parish Council would have been consulted, but no comment had been received.

Having been proposed and seconded and following a vote, it was:

RESOLVED: That TPO/00226 be **CONFIRMED** without modification.

19 TPO/00228 (2026) LAND AT COLEMANS ROAD, BREACHWOOD GREEN, SG4 8PA

Audio recording – 1 hour 59 minutes 35 seconds

The Tree and Landscape Officer presented the report in respect of Application TPO/00228 accompanied by a visual presentation consisting of plans and photographs.

In response to questions from Councillor Claire Strong, the Tree and Landscape Officer advised that:

- The Council had been made aware of these trees following an application made for the site.
- The Tree Protection Order had been requested by an Officer.
- The Parish Council would have been consulted, but no comment had been received.

Councillor Nigel Mason, as Chair, proposed and Councillor Val Bryant seconded and, following a vote, it was:

RESOLVED: That TPO/00228 be **CONFIRMED**.

The meeting closed at 9.06 pm

Chair

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<u>Location:</u>	Ickleford Mill Arlesey Road Ickleford Hitchin Hertfordshire SG5 3UN
<u>Applicant:</u>	Hill Residential Limited
<u>Proposal:</u>	Variation of conditions 4, 10,11,14, 16, 17, 18, 19, 31 32, 35 and 37 of outline planning permission 17/01955/1 granted 11.03.2024 for up to 71 dwellings and associated access, car parking, garages, landscaping and open space including demolition and removal of all existing structures, buildings and hardstanding (all matters reserved except means of access)
<u>Ref. No:</u>	26/00587/S73
<u>Officer:</u>	Peter Bull

Date of expiry of statutory period: 19 June 2026

Extension of statutory period: 24 July 2026

Reason for Delay:

The officer report was delayed due to discussions and negotiations on various technical aspects associated with the associated reserved matters application (26/00631/RM) which is also being considered alongside this application.

Reason for referral to Committee

The site area for this application for development exceeds 1 ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

1.0 Site History

- 1.1 17/01955/1 - Outline Planning application for up to 71 dwellings and associated access, car parking, garages, landscaping and open space including demolition and removal of all existing structures, buildings and hardstanding (all matters reserved except means of access) – approved subject to legal agreement
- 1.2 25/02832/NMA - Amendment to wording of conditions 3, 7, 8, 9 24, 25, 26, 29, 36 and 38 (as Non-Material Amendment to outline application 17/01955/1 granted 11.03.2024) - approved
- 1.3 26/01348/DOC - Details Reserved by Condition 7 (Arboricultural Impact Assessment) of outline planning permission 17/01955/1 granted on 02.12.2025 - pending
- 1.4 26/01349/DOC - Details Reserved by Condition 24a (Historic Wall Report) of outline planning permission 17/01955/1 granted on 02.12.2025 - pending

- 1.5 26/01213/S106 - Modification to S106 associated with planning application 17/01955/1 to amend the affordable housing and development obligations - pending
- 1.6 26/01145/DOC - Details reserved by Condition 25 (Archaeological Written Scheme of Investigation) of planning permission reference 17/01955/1 granted on 11.03.2024 - pending
- 1.7 26/00976/DOC - Details reserved by Condition 38 (Landscape and Ecological Management Plan) of planning permission 17/01955/1 granted on 11.03.2024 - pending
- 1.8 26/00631/RM - Reserved matters application for appearance, landscaping, layout and scale in relation to erection of 55 dwellings and associated access, car parking, garages, landscaping and open space pursuant to Outline Planning Permission 17/01955/1 (as varied by associated Section 73 Planning Application) – pending
- 1.9 26/00735/DOC - Details reserved by condition 29 Parts (a) and (b) (Contamination) of planning permission reference no 17/01955/1 granted 11.03.2024 - pending
- 1.10 26/00671/DOC - Details reserved by condition 9 (i) (Demolition Stage Construction Management Plan) of planning permission reference no 17/01955/1 granted 11.03.2024 - pending
- 1.11 26/00672/DOC - Details reserved by condition 8 (Dust Management Plan) of planning permission reference no 17/01955/1 granted 11.03.2024 – pending
- 1.12 26/01433/DOC - Details reserved by Condition 20 (Surface Water) of planning permission reference 17/01955/1 granted on 11.03.2024 - pending
- 1.13 26/01495/DOC - Details reserved by Condition 22 (Foul Water) of planning permission reference 17/01955/1 granted on 11.03.2024 - pending

2.0 **Policies**

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

Policy SP1: Sustainable Development in North Hertfordshire
 Policy SP2: Settlement Hierarchy
 Policy SP6: Sustainable transport
 Policy SP7: Infrastructure requirements and developer contributions
 Policy SP8: Housing
 Policy SP9: Design and sustainability
 Policy SP10: Healthy communities
 Policy SP11: Natural resources and sustainability
 Policy SP12: Green infrastructure, biodiversity and landscape
 Policy SP13: Historic Environment
 Policy T1: Assessment of transport matters
 Policy T2: Parking
 Policy HS3: Housing Mix
 Policy HS5: Accessible and adaptable housing
 Policy D1: Sustainable design
 Policy D3: Protecting living conditions
 Policy D4: Air quality

Policy HC1: Community facilities
Policy NE1: Strategic green infrastructure
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE6: New and improved open space
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE9: Water quality and environment
Policy NE10: Water conservation and wastewater infrastructure
Policy HE1: Designated heritage assets
Policy HE4: Archaeology

2.2 Supplementary Planning Documents

Design SPD (2015)
Vehicle Parking Provision at New Development SPD (2011)
Sustainability SPD (2024)
North Herts Design Code (Draft 2026)
East and North Herts Shared Waste Services Waste Storage and Collection
Guidance for Developers

2.3 Hertfordshire County Council

Local Transport Plan (May 2018)

2.4 Ickleford Parish Council Neighbourhood Plan

E1: Maintaining separation
E2: Protecting the Landscape
E3: Rural Character
E4: Biodiversity
HE1: Protecting and Enhancing Local Heritage Assets
SD1: Development within the Settlement Boundary
SD2: New Housing Development
SD3: High Quality
SD5: Water Management
C1: Community Facilities
C2: Recreation and Green Spaces
C3: Primary School and Site at Bedford Road
C4: Supporting Local Employment and Agriculture
MTT1: Provision for Pedestrians, Cyclists and Horseriders
MTT2: Car Parking

Village Design Codes
MO.01 Connectivity
MO.02 Public transport
MO.04 Junctions

2.5 National Planning Policy Framework (NPPF) (2024)

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

2.6 National Planning Practice Guidance (NPPG)

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

3.0 Representations

3.1 Ickleford Parish Council – no response received

3.2 Hitchin Forum – comments made

- Consideration should be given to the formal designation of open space areas within the Green Belt and its protection going forward.
- As the pumping station within the open space, this should be below ground level.
- Cumulative traffic impacts arising from this site and proposal at Land South of Turnpike Lane, Ickleford (reference 25/02401/OP) would have on this scheme if approved, and urge that these are looked at together, particularly as regards traffic and local schools.
- Unclear as to whether adequate visibility provided at the main junction

3.3 HCC Highways – no objection in principle to proposed changes

3.4 NHC Ecology – no objection in principle to changes although revised wording to condition 37 (Ecological buffer to river) should be restricted to incursion into the 10m buffer only insofar as it relates to the replacement footprint of the proposed apartment building and the pumping station as set out in the reserved matters application

3.5 NHC Urban Design – no adverse urban design impacts arising

3.6 NHC Senior Transport Officer – no objection

3.7 Herts CC Fire and Rescue – no comments to make

3.8 Neighbours – four responses received raising objections and concerns -

- The need to ensure that the pumping station is capable of dealing with sewage flows due to local problems especially in periods of high rain fall and flooding. Dust impacts (asbestos, residue of milling and cement dust) controls need to be put in place

- Traffic impacts on local roads arising from new development especially at peak periods and priority restrictions that are currently in place
- Additional design elements to apartment building should be considered
- Traffic calming measures should be considered.
- Noise and disturbance from additional foot traffic
- Loss of privacy and increased intervisibility with existing adjacent residential property

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The application site is a vacant mill located within the village of Ickleford off Arlesey Road to the southern edge of the village. Measuring 3.59 hectare in area, the site comprises a number of detached and linked buildings including mills dating from the 1960s and 1980s, silos, warehouse, food processing facilities, laboratories, offices and yard and car parking areas. The River Oughton runs through the site from east to west. The existing buildings are located within the settlement boundary for the village as defined in the North Herts Local Plan (NHLP) although the open space areas south of the river and the vehicular access are located within Green Belt. The site contains a number of trees which are located along the road frontage and to the south section of the site. There are two existing bridges which serve the site and these will both be retained as part of the proposals. These are referred to as primary (eastern) and secondary (western) in this report.

4.1.2 The village of Ickleford is located north of Hitchin. It has a predominantly residential character with the main built-up area to the north and north-east of the application site.

4.2 The Proposal

4.2.1 The application seeks permission to vary conditions 4, 10,11,14, 16, 17, 18, 19, 31 32, 35 and 37 of outline planning permission 17/01955/1 granted 11.03.2024 for up to 71 dwellings and associated access, car parking, garages, landscaping and open space including demolition and removal of all existing structures, buildings and hardstanding (all matters reserved except means of access).

4.2.2 The application has been subject of discussions between the applicant and NHC and Herts CC officers. The proposed changes to conditions are summarised below -

- Condition 4 (Developable Areas Plan) – minor adjustments to the Developable Areas Plan along the northern boundary of the site
- Condition 10 (Access Design Width) – amendment of trigger point to prior to occupation
- Condition 11 (Pedestrian and Bus Stop Improvements) – amendment of trigger point for completion of works and to amend approved improvements plan in line with updated proposals
- Condition 14 (Provision of Zebra Crossing) – updating of the plan reference number having regard to amendments to emergency site access and off- site highway works
- Condition 16 (EV Charging) – to allow for a plot by plot build out of the development
- Condition 17 (Cycle Parking Provision) – to allow for a phased build out of the development

- Condition 18 (Travel Plan Statement) – to provide flexibility on trigger point for completion of the site Travel Plan
- Condition 19 (Emergency Access) – to facilitate amendment to location of the approved emergency access
- Condition 31 (Waste Storage Facilities) – to allow plot by plot build out of the development
- Condition 32 (Recycling Storage Facilities) – to allow plot by plot build out of the development
- Condition 35 (Badger and Otter recommendations) – amendment to wording of the condition to provide additional flexibility in terms of buffer to the River Oughton
- Condition 37 (Ecological buffer to river) – amendment to condition wording to provide flexibility on the buffer to the River Oughton

4.2.3 The application proposals are set out in the following documents –

- Application Form
- *Developable Area Plan 185-LP-001, Rev C* (Hill Residential) superseding the previous approved *Developable Area Plan reference P4048 SPA XX ZZ DR A 10 001 Rev A*
- *Off- Site Highway Works Note* (KMC Transport Planning)
- *Proposed Highway Improvements* drawing KMC25232/002 (KMC Transport Planning) superseding previously approved drawing *Proposed Means of Access, E3631/700/E*
- *Preliminary Ecological Appraisal and Preliminary Roost Assessment* (MKA Ecology)

4.3 Key Issues

4.3.1 Section 73 (S73) of the Town and Country Planning Act 1990 allows a landowner to apply to the planning authority for planning permission for the development of land to either not comply or vary conditions imposed on an extant planning permission. When determining an application to vary or remove conditions on a S73 application, the local planning authority is limited to considering the conditions themselves and the impacts of the proposed variations. The principle of the development – in this case the use of the land for residential purposes – cannot be reconsidered. Evaluating the proposed variations against relevant local policies, the local development plan, Supplementary Planning Documents (SPDs) and the NPPF in so far as they relate to the conditions under consideration. If the application is granted, then a new planning permission is issued separate to the previous planning permission which also remains valid. However, only one outline permission can be lawfully implemented.

4.3.2 As can be appreciated from section 1.0 of this report, applications to both vary conditions (minor wording changes) and discharge conditions imposed on the outline permission have been submitted. These have been subject to consultation with the necessary technical consultees. In the event Members decide to approve this application (creating a new outline permission), original and amended conditions would be imposed. Where conditions on the original outline which are outside the scope of this application (i.e. not to be amended) have been submitted and approved already, officers recommend that any new permission requires that development be carried out in accordance with such approved details. Conditions that have not been submitted and approved, would appear in their original format on any new decision notice. For the avoidance of doubt, minor wording previously agreed under 25/02832/NMA would

also be reflected in any new decision notice. As with all conditional matters, decisions are delegated to the Development Management and Conservation Manager.

Background

- 4.3.3 The officer report relating to the original outline application confirmed that the residential redevelopment of the site would deliver additional housing over that allocated in the NHLP and on a previously developed land. Members resolved to approve outline permission in December 2022 subject to a S106 agreement.
- 4.3.4 The outline permission S106 agreement secured the following contributions and schemes - *Affordable housing, Local Community Facilities Contribution, St Katherine's Church Contribution, Waste Collection and Recycling Contribution, Open Space Scheme and Open Space Management Scheme, SuDs Scheme and SuDs Management Scheme and Financial contributions to HCC towards education and sustainable transport*. The applicant has submitted a separate Deed of Variation (DoV) application - reference 26/01213/S106 - to vary elements of the original S106 agreement including a clause to secure the same contributions in the event of a new permission being granted (i.e. this S73 application). Further details of the above contributions and schemes are set out in more detail at the end of this report.

Condition 4 - Developable Area Plan

- 4.3.5 The condition as currently worded states –

The reserved matters application(s) shall include new buildings within the Developable Area only (except for the proposed pumping station and apron) as defined on the Developable Area Plan (reference P4048 SPA XX ZZ DR A 10 001 Rev A dated October 2022). Reason: To protect the Green Belt from inappropriate development and to protect its openness. For the avoidance of doubt.

- 4.3.6 The original outline permission restricted the location of new buildings to the Developable Areas only as shown on the Developable Areas Plan reference P4048 SPA XX ZZ DR A 10 001. The reason for this condition was to protect the Green Belt from inappropriate development and to protect its openness. The approved Developable Areas Plan does not include small additional areas of land along the northern boundaries (western side) that were acquired as part of the sale from the original site owners to the new site owners. These are illustrated with a blue edge on the proposed site plan reference *185-PS-103-RevB-Proposed-Site-Plan*. The exclusion of these areas from the developable area would result in small areas which would be difficult to maintain and effectively unusable spaces. The applicant has provided a new Developable Areas Plan (reference - 185-LP-001, Rev C prepared by Hill) which includes these spaces within the Developable area. This would enable them to be incorporated into the rear gardens of new dwellings and ensure management of the spaces.
- 4.3.7 The additional land is located on the boundary of the Green Belt. Due to its very limited size, it is difficult to say with certainty that it is located within the Green Belt or not. If it is not within the Green Belt, then officers conclude that there is no harm caused by its inclusion in the Developable Area. If the additional land was considered within the Green Belt, then it would be necessary to consider Green Belt policy. The status of the land immediately adjoining this additional land (also within the Green Belt) was considered in April this year as part of the planning application for residential development off Turnpike Lane (application reference 25/02401/OP). Paragraph 5.2.23 of the officer's report concluded that this was Grey Belt land. Given the

proximity, character and appearance is identical, it is reasonable to conclude that the additional land is also Grey Belt. In this situation, paragraph 155 of the NPPF confirms that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.*
The proposal does not undermine the purposes of the remaining Green Belt
- b. *There is a demonstrable unmet need for the type of development proposed.*
The council currently has an unmet need for housing;
- c. *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework;*
The proposal is in a sustainable location and includes improvements to the existing public highway;
- d. *Where applicable the development proposed meets the 'Golden Rules' requirements relating to the provision of affordable housing, local infrastructure and good quality green space.*
The proposal will provide - policy compliant affordable housing (40%), contributions towards local infrastructure and high quality open space.

4.3.8 Given the foregoing, even if the additional land were considered to be within the Green Belt, it would not constitute inappropriate development. In the circumstances, there is no objection to the proposed a new Developable Area Plan as part of this application.

4.3.9 The following revised wording for the condition is considered acceptable –

The reserved matters application(s) shall include new buildings within the Developable Area only (except for the proposed indicative location for the pumping station and apron) as defined on the Developable Area Plan (reference 185-LP001 Rev C dated February 2026).

Condition 10 - Access Design Width

4.3.10 The condition as currently worded states -

Prior to commencement of the development (other than demolition works), the main access road shall be provided 5.5 metres wide for the first 25 metres where after the principal access road shall be narrowed to a minimum of 5.0 metres wide with the kerb radii along the adjacent Arlesey Road being a minimum of 10.0 metres which shall be complete with tactile crossing features to the current specification of Hertfordshire County Council and to the Local Planning Authority's satisfaction. Reason: In order to protect highway safety and the amenity of other users of the public highway, in line with HCC Local Transport Plan Policy 5.

4.3.11 Currently, this condition requires provision of the access to the development being completed before the development is commenced. This would not be possible as provision of the access would result in the commencement of development. The applicant considers that requiring the provision of the access prior to first occupation is an appropriate trigger point.

- 4.3.12 This condition was recommended by Herts CC Highways. It has confirmed that the proposed wording change is acceptable –

10. Prior to occupation of the development, the main access road shall be provided 5.5 metres wide for the first 25 metres where after the principal access road shall be narrowed to a minimum of 5.0 metres wide with the kerb radii along the adjacent Arlesey Road being a minimum of 10.0 metres which shall be complete with tactile crossing features to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction.

Condition 11 - Pedestrian Connections and Bus Stop Improvements

- 4.3.13 The condition as currently worded states -

Prior to first occupation of the development, a system of footways shall be provided to connect the new development with the existing bus stops along Arlesey Road as part of the application. The bus stops will need to be complete with easy access kerbs and shelters as appropriate. The exact location and accommodating works will need to be as identified on drawing number E3631/700/E and agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the S278 works. Reason: In order to provide safe and suitable pedestrian access to public transport facilities, in line with HCC Local Transport Plan Policy 5.

- 4.3.14 As can be seen above, this condition requires ‘...a system of footways shall be provided to connect the new development with the existing bus stops along Arlesey Road as part of the application’. Footways are proposed both within the site and within the public highway. In retrospect this condition is not considered to be precise and was intended to refer specifically to off-site public footpaths secured under S278 of the Highway Act. The applicant has confirmed that it will not be practical to complete the construction of the footways on the site, which will be undertaken on a phased basis as the development commences. Updated arrangements for the off-site public footpaths are illustrated on updated drawing - KMC25232/002. This updated drawing includes the introduction of section of a 2m wide footway to the north of the relocated proposed emergency access with dropped kerbs and tactile paving to facilitate an uncontrolled pedestrian crossing next to the proposed bus stop.

- 4.3.15 This condition was recommended by Herts CC Highways. It has confirmed that the proposed wording change is acceptable subject to the applicant accepting an additional sentence requiring the applicant to seek to introduce a 20mph speed limit (via a Traffic Regulation Order) on approach to the site access from the south to extend (at a minimum) to the junction with Turnpike Lane to the north. It has recommended that this also be secured by condition. The additional wording recommended by Herts CC Highways is as follows –

- 4.3.16 *At the S278 stage the applicant best endeavours must be used to deliver a 20mph zone for the section of Arlesey Road that approaches the site from the south and extends at minimum to the junction with Turnpike Lane.*

- 4.3.17 A planning condition cannot directly compel a developer to guarantee or implement a Traffic Regulation Order (TRO). Because TROs are separate statutory powers governed by the Road Traffic Regulation Act 1984, a local planning authority (LPA) cannot legally predetermine or bypass the mandatory public consultation process required to make one. While a condition cannot mandate the successful outcome of a TRO, it can lawfully require a developer to fund, design, and promote the necessary

TRO "at risk" (meaning they pay for the process even if the highway authority ultimately rejects the order).

- 4.3.18 In light of the foregoing, it is the following wording change is recommended as acceptable –

11. Prior to first occupation of the development, the proposed system of footways shown on drawing KMC25232/002 shall be provided to connect the new development with the existing bus stops along Arlesey Road as part of the application. The bus stops will need to be complete with easy access kerbs and shelters as appropriate. The exact location and accommodating works will need to be as identified on drawing number KMC25232/002 and agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the s278 works. In addition, and as part of the S278 stage, the applicant shall fund, design and promote a Traffic Regulation Order for a 20mph zone for the section of Arlesey Road between the built up edge of north Hitchin extending to the junction with Turnpike Lane. Reason: In order to provide safe and suitable pedestrian access to public transport facilities, in line with HCC Local Transport Plan Policy 5.

Condition 14 - Provision of Zebra Crossing

- 4.3.19 The condition as currently worded states –

No dwelling forming part of the development shall be occupied until a Zebra crossing 3.0 metres wide has been provided along Arlesey Road. The crossing will need to be complete with pedestrian tactiles, Belisha beacons and road markings as appropriate. The exact location and accommodating works will need to be as identified on drawing number E3631/700/E and agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the s278 works. Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians of all ages and abilities, in line with HCC Local Transport Plan Policy 5.

- 4.3.20 This condition requires amending only to ensure that it references the updated Off-Site Highway Works Drawing as proposed by KMC, which supersedes the original access plan. For clarification there is no change to the location of the Zebra Crossing, which remains in the same location as it was approved under the original Outline Consent.

- 4.3.21 This condition was recommended by Herts CC Highways. It has confirmed that the following proposed wording change is acceptable –

14. No dwelling forming part of the development shall be occupied until a Zebra crossing 3.0 metres wide has been provided along Arlesey Road. The crossing will need to be complete with pedestrian tactiles, Belisha beacons and road markings as appropriate. The exact location and accommodating works will need to be as identified on drawing number KMC25232/002 and agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the s278 works.

Condition 16 - EV Charging Points

- 4.3.22 The condition as currently worded states -

Prior to the occupation of any dwellings hereby permitted, an Electric Vehicle ready (active) domestic charging point shall be provided for each property and thereafter

permanently retained. Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

- 4.3.23 As currently worded the condition requires the installation of EV Charging points for all dwellings, prior to the first occupation. This is not practical or achievable on the basis that dwellings will be built on a phased basis and plots being gradually occupied.

- 4.3.24 This condition was recommended by Herts CC Highways. It has confirmed that the proposed wording change is acceptable –

16. Prior to the occupation of each dwelling hereby permitted, an Electric Vehicle ready (active) domestic charging point shall be provided for the relevant property and thereafter permanently retained.

Condition 17 - Cycle Parking Provision

- 4.3.25 The condition as currently worded states -

Prior to the first occupation of the development hereby permitted a scheme for the parking and storage of cycles for each dwellinghouse including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. Where appropriate, this shall also include details for the parking of mobility scooters. The scheme must be designed in line with the cycle parking standards contained in the DfT's Cycle Infrastructure Design LTN1/20. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose. Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

- 4.3.26 As currently worded the condition requires the provision of cycle parking for all dwellings, prior to the first occupation. This is not practical or achievable on the basis that dwellings will be built on a phased basis and plots being gradually occupied.

- 4.3.27 This condition was recommended by Herts CC Highways. It has confirmed that the proposed wording change is acceptable –

17. Prior to the first occupation of the development hereby permitted a scheme for the parking and storage of cycles for each dwellinghouse including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. Where appropriate, this shall also include details for the parking of mobility scooters. The scheme must be designed in line with the cycle parking standards contained in the DfT's Cycle Infrastructure Design LTN1/20. The approved scheme shall be implemented in relation to each dwelling before the dwelling is first occupied or brought into use and thereafter retained for this purpose.

Condition 18 - Travel Plan Statement

- 4.3.28 The condition as currently worded states –

Three months prior to the first occupation / use of the approved development, a detailed Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The Travel Plan Statement shall take account of Travel Plan Guidance' at www.hertsdirect.org. It

shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review. Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018)

4.3.29 As currently worded, this condition requires that a travel plan statement is submitted 3 months prior the first occupation. The date of first occupation is uncertain and therefore a minor change to the wording of this condition is proposed.

4.3.30 This condition was recommended by Herts CC Highways. It has confirmed that the proposed wording change is acceptable –

18. Prior to the first occupation / use of the approved development, a detailed Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The Travel Plan Statement shall take account of Travel Plan Guidance' at www.hertsdirect.org. It shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Condition 19 - Emergency Access Control Measures

4.3.31 The condition as currently worded states -

The proposed emergency vehicular access as identified on the submitted layout plan (E3631-700E - Proposed Means of Access) shall be used by emergency vehicles, pedestrians and cyclists only. The reserved matters details shall include details of physical measures to restrict the use of the access to the aforementioned users only. These measures shall be implemented before any dwellinghouses are occupied and retained in perpetuity. Reason: it has not been demonstrated that the secondary vehicular access is safe for general use by vehicular traffic.

4.3.32 The primary reason for the submission of this S73 application is to facilitate the relocation of the emergency vehicular access approximately 15 metres south of its current location as approved under the original OP. The relocation of the emergency vehicular access is due to the need (i) to optimise the site layout and prioritise place making (ii) to facilitate space for an additional 2m wide footpath link from the site onto Arlesey Road leading to an additional uncontrolled pedestrian crossing point. These elements are illustrated on the *Proposed Highway Improvements Plan KMC25231/002*. The amendments to the emergency access location, should be viewed in conjunction with the layout plans submitted as part of the reserved matters application also being considered by Members at the meeting. The access has been subject to a Stage 1 Road Safety Audit and it is proposed that this emergency access is used by pedestrians and cyclists (which is consistent with the original consent) to provide a sustainable link into the services and facilities of Ickleford.

4.3.33 This condition was recommended by Herts CC Highways. It has confirmed that the proposed wording change is acceptable –

19. The proposed emergency vehicular access as identified on the submitted layout plan (KMC25231/002- Proposed Highway Improvements) shall be used by emergency

vehicles, pedestrians and cyclists only. The reserved matters details shall include details of physical measures to restrict the use of the access to the aforementioned users only. These measures shall be implemented before any dwellinghouses are occupied and retained in perpetuity.

Condition 31 - Waste Storage Facilities

4.3.34 The condition as currently worded states –

Prior to the commencement of development (other than demolition works), full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside of the adopted highway/refuse collection vehicle access point [or within 5m]. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority. Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity

4.3.35 As currently worded the condition requires the provision of bin storage for all dwellings, prior to the first occupation. This is not practical or achievable on the basis that dwellings will be built on a phased basis and plots being gradually occupied.

4.3.36 This condition was recommended by NHC Officers. The proposed wording change is considered acceptable –

Prior to the commencement of development (other than demolition works), full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside of the adopted highway/refuse collection vehicle access point [or within 5m]. The approved facilities shall be provided prior to the first occupation of the dwellings that the waste storage facilities relate to hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Condition 32 - Recycling Storage Facilities

4.3.37 The condition as currently worded states –

Prior to the commencement of development (other than demolition works), full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from within 15m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority. Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

- 4.3.38 As currently worded the condition requires the provision of bin storage for all dwellings, prior to the first occupation. This is not practical or achievable on the basis that dwellings will be built on a phased basis and plots being gradually occupied.
- 4.3.39 This condition was recommended by NHC Officers. The proposed wording change is considered acceptable –

Prior to the commencement of development (other than demolition works), full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from within 15m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the first occupation of the dwellings that the waste storage facilities relate to hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Condition 35 - Compliance with Badger and Otter Report

- 4.3.40 The condition as currently worded states -

The development shall be carried out in complete accordance with the recommendations contained in section 4 of the submitted Badger and Otter Report dated 2022. Reason: in the interests of wildlife protection and in accordance with Conservation of Habitats and Species Regulations 2017.

- 4.3.41 The Badger and Otter Report recommends a 10 metre buffer be maintained to the River Oughton. As part of the detailed discussions prior to the submission of the reserved matters application, this recommendation has been adhered to save for two small encroachments where the apartment block and electricity substation are proposed (as set out in the accompanying application). These encroachments are the result of officers and the applicant prioritising place making.
- 4.3.42 This condition was recommended by HCC Ecologist. NHC Ecologist has reviewed the proposed change and has confirmed that it is acceptable –

The development shall be carried out in complete accordance with the recommendations contained within section 4 of the submitted Badger and Otter Report dated 2022, unless otherwise agreed in writing by the local planning authority.

Condition 37 - Buffer to the River Oughton

- 4.3.43 The condition as currently worded states –

The reserved matters submission shall include an undeveloped 10 metre buffer to the river as set out in the submitted Preliminary Ecological Appraisal (Phase 1 Habitat Survey) prepared by Wardell Armstrong. Reason: in the interests of wildlife protection and in accordance with Conservation of Habitats and Species Regulations 2017.

- 4.3.44 As set out above the buffer to the River Oughton has been reduced in relation to the proximity of the apartment building and the sub- station to the River Oughton. The proposals have also been informed by an updated Preliminary Ecological Appraisal and Preliminary Roost Assessment, prepared by MKA Ecology, which provide a more up to date assessment of the ecology strategy for the site. It is therefore proposed to amend condition 37 to remove the requirement for a 10 metre buffer to the River

Oughton and for the condition to refer to the updated Preliminary Ecological Appraisal, prepared by MKA Ecology.

- 4.3.45 This condition was recommended by HCC Ecologist. NHC Ecologist has reviewed the proposed change and has confirmed that it is acceptable subject to the incursion into the buffer being limited to the apartment and substation buildings as identified on the submitted Proposed Site Layout 185-PS-103 -

The reserved matters submission shall include an undeveloped 10 buffer to the river and follow the recommendations as set out in the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment, prepared by MKA Ecology, dated February 2026 except for the areas of the buffer occupied by the proposed apartment and substation buildings as identified by the dotted red line on drawing Proposed Site Layout 185-PS-103.

Planning Obligations

- 4.3.46 The original outline permission secured a range of obligations through a Section 106 agreement. These included the provision of affordable housing, local community facilities, St Katherine's church, and financial contributions towards education, sustainable transport/highway facilities and other services provided by the County Council. These were considered to be compliant with the Community Infrastructure Regulations and the NPPF. These Obligations are still considered compliant with the aforementioned Regulations and NPPF and would need to be secured via the Deed of Variation prior to the issuing of any new permission (reference 26/01213/S106). The following table summarises the Heads of Terms as previously agreed:

17/01955/1	Heads of Terms for Section 106
Ickleford Mill	
Element	Detail and Justification
Affordable Housing	On site provision of 40% affordable dwellings based on 65% rented tenure and 35% intermediate tenure. NHDC Planning Obligations Supplementary Planning Document Local Plan Policy HS2 'Affordable Housing' Evidence with the Council's SHMA
Primary Education educations	Full contribution based on child yield likely to arise of 0.22FE representing 11% of the cost of providing a 2FE primary school in Ickleford. Amount before index linking: £576,140 (£563,855 + £12,285) index linked to BCIS 1Q2020) Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Secondary Education contributions	Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the expansion of The Priory Secondary School Amount before index linking: £605,661.00

	Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Nursery Services	Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. Amount before index linking: £68,551.00 Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Childcare Services	Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the expansion of Pirton pre-school Amount before index linking: £193,367.00 Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Special Educational Needs and Disabilities	Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the expansion of the new East Severe Learning Difficulty school Amount before index linking: £64,654.00 Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Library Services	Full contribution based on Table 2 of the HCC Toolkit index linked to PUBSEC 175. To be used towards the development of a meeting room at Hitchin library. Amount before index linking: £6,823.00 Submission Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Youth Services	Full contribution based on Table 2 of the HCC Toolkit towards equipment for expansion of outreach provision in North Herts villages, including Ickleford Amount before index linking: £21,075.00 Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit

Waste Service (HCC)	Towards increasing the capacity of the recycling centre network to serve the development Amount before index linking: £7,327.00 Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Monitoring	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). Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD and HCC Toolkit
Sustainable Transport / Highway contributions	Full contribution based on NHDC Planning Obligations SPD. Schemes to be agreed with the Highway Authority. May include upgrading of nearby bus stops. Amount before index linking: £484,646.00 Local Plan Policy SP7 'Infrastructure requirements and developer contributions'
Local Community Facilities (Ickleford Parish Council)	Projects potentially to include contributions towards new play equipment within Ickleford village Contribution: £20,000 Policy 51 of the North Hertfordshire District Local Plan No. 2 with Alterations. Local Plan Policy SP7 'Infrastructure requirements and developer contributions'
NHDC Waste Collection & Recycling	Full contribution based on NHDC Planning Obligations SPD. £71 per dwelling index linked in accordance with SPD. (£5041) Local Plan Policy SP7 'Infrastructure requirements and developer contributions' Planning Obligations SPD
Open space/Landscape buffer management and maintenance arrangements	Private management company to secure the provision and long term maintenance of the open space/landscape buffer and any SuDs infrastructure

	Local Plan Policy SP7 'Infrastructure requirements and developer contributions'
St. Katherines Church, Ickleford Community Project	St. Katherines Church 'Room for all' project. An extension to the Grade I listed church for community use. Contribution: £20,000 North Hertfordshire Partnership Sustainable Community Strategy 2009 - 2021

Other matters

- 4.3.47 Ickleford Parish Council, local residents and interest groups have raised a number of issues and points and these are summarised at the beginning of this report. The original outline permission included conditions to deal with *tree and hedge protection, dust management, demolition management, street management, surface water drainage, SuDS management and maintenance, foul water strategy, Flood Warning & Evacuation Plan, historic wall protection and repair, archaeology, Phase II environmental risk assessment, fire hydrants, waste services arrangements, sustainability, Landscape and Ecological Management Plan (LEMP)*. As set out in section 4.3.1 of this report, the consideration of matters is confined to the conditions that the developer is seeking to vary. However, the matters raised have either been previously considered by officers as part of the original outline application and are addressed by recommended conditions as part of this S73 application or considered in the report relating to the Reserved Matters (RM) application also under consideration by Members at the same meeting.
- 4.3.48 As previously confirmed, approval was granted earlier this year for some minor changes to the original permission (reference 25/02832/NMA). The triggers on the OP for submission of information by condition was 'prior to commencement of development' which includes demolition works. This NMA agreed either the (i) staged submission of conditional information across the two phases of redevelopment – demolition and construction or, (ii) where information was not critical / needed prior to demolition, the developer would provide this prior to construction. For completeness and expediency, these previously agreed minor wording changes are also to be included in the new permission for this site. For the avoidance of doubt, these additional minor changes relate to conditions 3 (reserved matters details), 7 (tree protection), 8 (dust management plan), 9 (demolition management plan), 24 (historic wall protection), 25 (archaeology), 26 (archaeology), 29 (phase II environmental risk assessment), 36 (walkover mammal survey) and 38 (Landscape Environmental Management Plan).

5.0 Conclusion

- 5.1 Permission is sought to vary the conditions 4 (Developable Area Plan), 10 (Access Design Width), 11 (Pedestrian Connections and Bus Stop Improvements), 14 (Provision of Zebra Crossing), 16 (EV Charging Points), 17 (Cycle Parking Provision), 18 (Travel Plan Statement), 19 (Emergency Access Control Measures), 31 (Waste Storage Facilities), 32 (Recycling Storage Facilities), 35 (Compliance with Badger and Otter Report), 37 (Buffer to the River Oughton) of outline planning permission 17/01955/1 granted 11.03.2024 for up to 71 dwellings and associated access, car parking, garages, landscaping and open space including demolition and removal of all

existing structures, buildings and hardstanding (all matters reserved except means of access).

- 5.2 Section 73 (S73) of the Town and Country Planning Act 1990 allows a landowner to apply to the planning authority for planning permission for the development of land to either not comply or vary conditions imposed on an extant planning permission. When determining an application to vary or remove conditions on a S73 application, the local planning authority is limited to considering the conditions themselves and the impacts of the proposed variations. The principle of the development – in this case the use of the land for residential purposes – is not being reconsidered.
- 5.3 Consultation with the relevant technical consultees has been undertaken to seek agreement to the changes proposed having regard to relevant local policies, the local development plan, Supplementary Planning Documents (SPDs) and the NPPF in so far as they relate to the conditions under consideration. There are no objections to the proposed changes with additional wording proposed to conditions 11 and 37 as set out. Minor wording changes to conditions 3, 7, 8, 9, 24, 25, 26, 29, 36 and 38 previously agreed under the NMA application are also recommended to be included in this revised permission.
- 5.4 There is an extant permission for the residential development of this site. This is a 'windfall' housing site which will deliver housing on previously developed land. The approval of this application will make a contribution to the housing land supply. As the council is currently unable to demonstrate a 5-year housing land supply, the tilted balance of paragraph 11(d) of the NPPF is engaged, the collective benefits of the development would be significant. No adverse impacts have been identified and therefore the benefits would not significantly and demonstrably outweighed when assessed against the policies in the NPPF taken as a whole. The scheme therefore benefits from the presumption in favour of sustainable development which is a further material consideration.
- 5.5 There are no material considerations to indicate that the application should not be determined in accordance with the development plan. For the reasons set out above it is officer's view that the proposed development would accord with the development plan including the NHLP, and that there are no reasons to withhold permission. As such, the application is recommended for approval subject to conditions.

6.0 Alternative Options

- 6.1 None applicable.

7.0 Pre-Commencement Conditions

- 7.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

8.0 Legal Implications

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

9.0 Recommendation

- 9.1 That planning permission be GRANTED subject to the following:

A) the satisfactory completion of a Deed of Variation to the S106 agreement secured on the original planning permission 17/01955/1 to secure the original Heads of Terms as set out in this report;

B) the applicant agreeing to extend the statutory period in order to allow time for the Deed of Variation to be completed;

C) providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required; and

D) conditions and informatives set out below:

1. 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. (OP)

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.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, 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. (OP)

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.

3. Before the development hereby permitted is commenced (other than demolition phase works), approval of the details of the siting, design and external appearance of the development, layout and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority. (NMA)

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

4. The reserved matters application(s) shall include new buildings within the Developable Area only (except for the proposed indicative location for the pumping station and apron) as defined on the Developable Area Plan (reference 185-LP001 Rev C dated February 2026). (S73)

Reason: To protect the Green Belt from inappropriate development and to protect its openness. For the avoidance of doubt.

5. The landscape details to be submitted as reserved matters shall include the following:

- a) which, if any, of the existing vegetation is to be removed and which is to be retained
- b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting
- c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed

- d) details of any earthworks and / or levels changes;
- e) the use of native species plants and trees as required by the Landscape, Ecology Management Plan (LEMP) condition.
- f) planting proposed near the river should be appropriate for the riparian habitat. (OP)

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

6. None of the trees and hedges identified in the submitted Tree Assessment as being retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority. (OP)

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

7. Before the commencement of any works on the site (including demolition works), a plan illustrating the location of retained trees and hedges and associated temporary protective fencing shall be submitted to the local planning authority. The temporary fencing shall be either temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of demolition and site clearance, pre-construction and enabling works and construction works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees. (NMA)

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

8. (a) No pre-construction, demolition or enabling works shall take place until full details of a demolition dust management plan (to include measures to minimise dust impacts) during the demolition phase of the development (Phase 1) hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The demolition works shall thereafter be carried out in accordance with the approved demolition dust management plan unless otherwise agreed in writing by the Local Planning Authority.

(b) No pre- construction enabling or construction works shall take place (other than those associated with demolition phase) until full details of a dust management plan (to include measures to minimise dust impacts) during the construction phase of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (other than demolition works). The construction works shall thereafter be carried out in accordance with the approved dust management plan unless otherwise agreed in writing by the Local Planning Authority. (NMA)

Reason: To minimise environmental impacts and protect the residential amenity of existing residents.

9. Prior to the commencement of any single phase of development (The demolition of the buildings being Phase 1 and construction being Phase 2), a Demolition and/or Construction Management Plan/Method Statement for the relevant phase shall be submitted to and approved in writing by the local planning authority in consultation with the Highway Authority and Environmental Health Unit (Noise). Thereafter the demolition and construction of the development within each phase shall only be carried out in accordance with the approved Plan/Statement. The Construction Management Plan/Method statement shall address the following matters where relevant:

- (i) Details of a demolition and/or construction phasing programme (including any pre-construction or enabling works);
- (ii) Hours of construction operations including times of deliveries and removal of waste;
- (iii) Site set up and general arrangements for storing plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
- (iv) Access and protection arrangements around the site for pedestrians, cyclists and other customers;
- (v) Details of provisions for temporary car parking during construction;
- (v) The location of construction traffic routes to and from the site, details of their signing, monitoring and enforcement measures;
- (vi) Screening and hoarding details;
- (vii) End of day tidying procedures;
- (viii) Construction and storage compounds (including areas designated for car parking);
- (ix) Siting and details of wheel washing facilities;
- (x) Cleaning of site entrances, site access roads and the adjacent public highway and;
- (xi) Disposal of surplus materials. (NMA)

Reason: To minimise the impact of construction vehicles on the highway network and to maintain the amenity of the local area.

10. Prior to occupation of the development, the main access road shall be provided 5.5 metres wide for the first 25 metres where after the principal access road shall be narrowed to a minimum of 5.0 metres wide with the kerb radii along the adjacent Arlesey Road being a minimum of 10.0 metres which shall be complete with tactile crossing features to the current specification of Hertfordshire County Council and to the local Planning Authority's satisfaction. (S73)

Reason: In order to protect highway safety and the amenity of other users of the public highway, in line with HCC Local Transport Plan Policy 5.

11. Prior to first occupation of the development, the proposed system of footways shown on drawing KMC25232/002 shall be provided to connect the new development with the existing bus stops along Arlesey Road as part of the application. The bus stops will need to be complete with easy access kerbs and shelters as appropriate. The exact location and accommodating works will need to be as identified on drawing number KMC25232/002 and agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the s278 works. In addition, and as part of the S278 stage, the applicant shall fund, design and promote a Traffic Regulation Order for a 20mph zone for the section of Arlesey Road between the built up edge of north Hitchin extending to the junction with Turnpike Lane. (S73)

Reason: In order to provide safe and suitable pedestrian access to public transport facilities, in line with HCC Local Transport Plan Policy 5.

12. Before the main access is first brought into use vehicle to vehicle visibility splays of 2.4 metres x 43 metres to both directions shall be provided and permanently maintained. Within which there shall be no obstruction to visibility between 600 mm and 2.0 metres above the footway level. These measurements shall be taken from the intersection of the centre line of the permitted access with the edge of the carriageway of the highway respectively into the application site and from the intersection point along the edge of the carriageway. (OP)

Reason: In order to protect highway safety and the amenity of other users of the public highway, in line with HCC Local Transport Plan Policy 5.

13. The gradient of the main access from the Arlesey Road shall not be steeper than 1 in 20 for the first 15 metres from the edge of the carriageway. (OP)

Reason: In order to protect highway safety and the amenity of other users of the public highway, in line with HCC Local Transport Plan Policy 5.

14. No dwelling forming part of the development shall be occupied until a Zebra crossing 3.0 metres wide has been provided along Arlesey Road. The crossing will need to be complete with pedestrian tactiles, Belisha beacons and road markings as appropriate. The exact location and accommodating works will need to be as identified on drawing number KMC25232/002 and agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the s278 works. (S73)

Reason: To facilitate the free and safe flow of other traffic on the highway and the safety and convenience of pedestrians of all ages and abilities, in line with HCC Local Transport Plan Policy 5.

15. No development (other than demolition works) shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established). (OP)

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

16. Prior to the occupation of each dwellings hereby permitted, an Electric Vehicle ready (active) domestic charging point shall be provided for the relevant property and thereafter permanently retained. (S73)

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018).

17. Prior to the first occupation of the development hereby permitted a scheme for the parking and storage of cycles for each dwellinghouse including details of the design, level and siting shall be submitted to and approved in writing by the Local Planning Authority. Where appropriate, this shall also include details for the parking of mobility scooters. The scheme must be designed in line with the cycle parking standards

contained in the DfT's Cycle Infrastructure Design LTN1/20. The approved scheme shall be implemented in relation to each dwelling before the dwelling is first occupied or brought into use and thereafter retained for this purpose. (S73)

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

18. Prior to the first occupation / use of the approved development, a detailed Travel Plan Statement for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The Travel Plan statement shall take account of Travel Plan Guidance' at www.hertsdirect.org. It shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review. (S73)

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

19. The proposed emergency vehicular access as identified on the submitted layout plan (KMC25231/002- Proposed Highway Improvements) shall be used by emergency vehicles, pedestrians and cyclists only. The reserved matters details shall include details of physical measures to restrict the use of the access to the aforementioned users only. These measures shall be implemented before any dwellinghouses are occupied and retained in perpetuity. (S73)

Reason: It has not been demonstrated that the secondary vehicular access is safe for general use by vehicular traffic.

20. No development (other than demolition works) approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood risk Assessment carried out by Wormald Burrows Partnership Limited reference E3631-frareport-0917-Rev1 dated July 2017. The surface water drainage scheme should include;

- (i) Implementing the appropriate drainage strategy based on attenuation and discharge into the River Oughton, using appropriate above ground SuDS measures.
 - (ii) Limiting the surface water run-off generated by the 1 in 100 year + 40% for climate change critical storm to greenfield runoff rates. Alternatively undertake modelling of the scheme to ensure there are no impacts from the unrestricted proposed discharge rate.
 - (iii) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event
 - (iv) Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- (OP)

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

21. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime. (OP)

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. www.hertfordshire.gov.uk Informative to the LPA

22. No development (other than demolition works) shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority. (OP)

Reason: To prevent environmental and amenity problems arising from flooding.

23. No dwelling shall be occupied until a Flood Warning & Evacuation Plan (FWEP) to identify safe access/egress routes and refuges in the event of extreme surface water flooding at the junction of the site with Arlesey Road has been submitted to and approved in writing by the local planning authority. The FWEP shall include details of the management and implementation of the plan. The FWEP shall thereafter be implemented in accordance with the approved details. (OP)

Reason: To ensure the safety and health of occupiers and visitors to the site.

24. (a) No demolition work shall commence until details of temporary fencing (Heras or similar) to protect the walls forming the boundaries of the site immediately south and east of East Lodge. has been submitted to and approved in writing by the local planning authority. The temporary fencing shall be installed prior to demolition and retained until all construction work is complete.

(b) No development (other than demolition works) shall take place/commence until wall repair details, where necessary, in relation to the repair of the existing brick walls, piers and coping stones have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the wall shall be retained and repaired as agreed in accordance with the approved details. (NMA)

Reason: In the interests of visual amenity and to retain important details associated with the historic mill use of the site.

25. (a) Prior to the demolition of the old Mill Building on the site as identified on plate 7 (item 12) of the originally submitted Heritage Statement by Prospect Archaeology, a Historic Building Recording Survey shall be undertaken and submitted to and approved in writing by the local planning authority.

(b) No development (other than demolition phase works up to but not including the removal of any existing hardstanding aprons) 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 for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation. (NMA)

Reason: To ensure the protection of heritage assets of archaeological interest.

26. The development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 25. (NMA)

Reason: To ensure the protection of heritage assets of archaeological interest.

27. 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 26 and the provision made for analysis and publication where appropriate. (OP)

Reason: To ensure the protection of heritage assets of archaeological interest

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

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

29. (a) No development approved by this permission shall be commenced (other than demolition works up to but not including existing hardstanding aprons) until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

- (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
- (ii) The results from the application of an appropriate risk assessment methodology

(b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (a), above; has been submitted to and approved by the Local Planning Authority.

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

- (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (b) above have been fully completed and if required a formal

agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

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

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

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

30. No development (other than demolition works) shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details. (OP)

Reason: To ensure that satisfactory provisions is made for the collection of refuse and recycling.

31. Prior to the commencement of development (other than demolition works), full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and walk distances for residents including the specific arrangements to enable collection from the kerbside of the adopted highway/refuse collection vehicle access point [or within 5m]. The approved facilities shall be provided prior to the first occupation of the dwellings that the waste storage facilities relate to hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority. (S73)

Reason: To ensure that satisfactory provisions is made for the collection of refuse and recycling.

32. Prior to the commencement of development (other than demolition works), full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from within 15m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the first occupation of the dwellings that the waste storage facilities relate to hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority. (S73)

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

33. The development shall be carried out in complete accordance with the recommendations contained within section 4 of the submitted Badger and Otter Report dated 2022, unless otherwise agreed in writing by the local planning authority. (S73)

Reason: In the interests of wildlife protection and in accordance with Conservation of Habitats and Species Regulations 2017.

34. Within two months prior to commencement of the development (including clearance work), a mammal walk-over survey of the site and 30m of adjacent land (access permitting) shall be carried out by a suitably qualified and experienced ecologist to check for the presence of further active badger setts, otter holts and water vole holes / feedings stations and if protected mammals will be impacted by the development proposals, appropriate mitigation to safeguard them must be submitted to the Local Planning Authority for approval. A licence may be required from Natural England to proceed lawfully. In the absence of the requirement for a licence any recommended non licensable mitigation should be carried out in full. (NMA)

Reason: In the interests of wildlife protection and in accordance with Conservation of Habitats and Species Regulations 2017.

35. The reserved matters submission shall include an undeveloped 10 buffer to the river and follow the recommendations as set out in the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment, prepared by MKA Ecology, dated February 2026 except for the areas of the buffer occupied by the proposed apartment and substation buildings as identified by the dotted red line on drawing Proposed Site Layout 185-PS-103. (S73)

Reason: In the interests of wildlife protection and in accordance with Conservation of Habitats and Species Regulations 2017.

36. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development (other than demolition works). The content of the LEMP shall deliver a net gain in habitat units from a combination of on and offsite measures to achieve a measurable net gain to biodiversity and include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate creation and management options for achieving the required number of ecological units as detailed in approved metric (including species mixes).
- e) Prescriptions for management actions which must correspond with and directly reference the habitat and condition scores in the approved metric.
- f) Preparation of a 5 year work schedule (including an annual work plan) capable of being rolled forward in perpetuity i.e. 30 years, with habitats clearly marked on plans.
- g) Ongoing monitoring and reporting schedule, with assessment and triggers for remedial measures.
- h) Required actions should habitat areas fail to reach stated condition in the approved metric.
- i) Details of the body or organisation responsible for implementation of the plan.
- j) Details of integrated bird and bat boxes, make, model and location.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed

and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details. (NMA)

Reason: In the interests of biodiversity.

37. No development shall commence (other than demolition works) until full details of the following have been submitted to and approved in writing by the local planning authority:

- (i) a site wide wildlife-sensitive lighting scheme;
- (ii) hedgehog friendly boundary treatments;
- (iii) the provision of 20 bat boxes.

Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity. (OP)

Reason: In the interests of wildlife and habitat protection and enhancement.

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.

Informatives:

Hazardous materials:

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

EV Charging Point Specification:

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

Highways:

Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

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

Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Lead Local Flood Authority:

Please note that the watercourse within the site boundary is an ordinary watercourse. Any works proposed to be carried out that may affect the flow within an ordinary watercourse will require the prior written consent from the Lead Local Flood Authority under Section 23 of the Land Drainage Act 1991. This includes any permanent and or temporary works regardless of any planning permission.

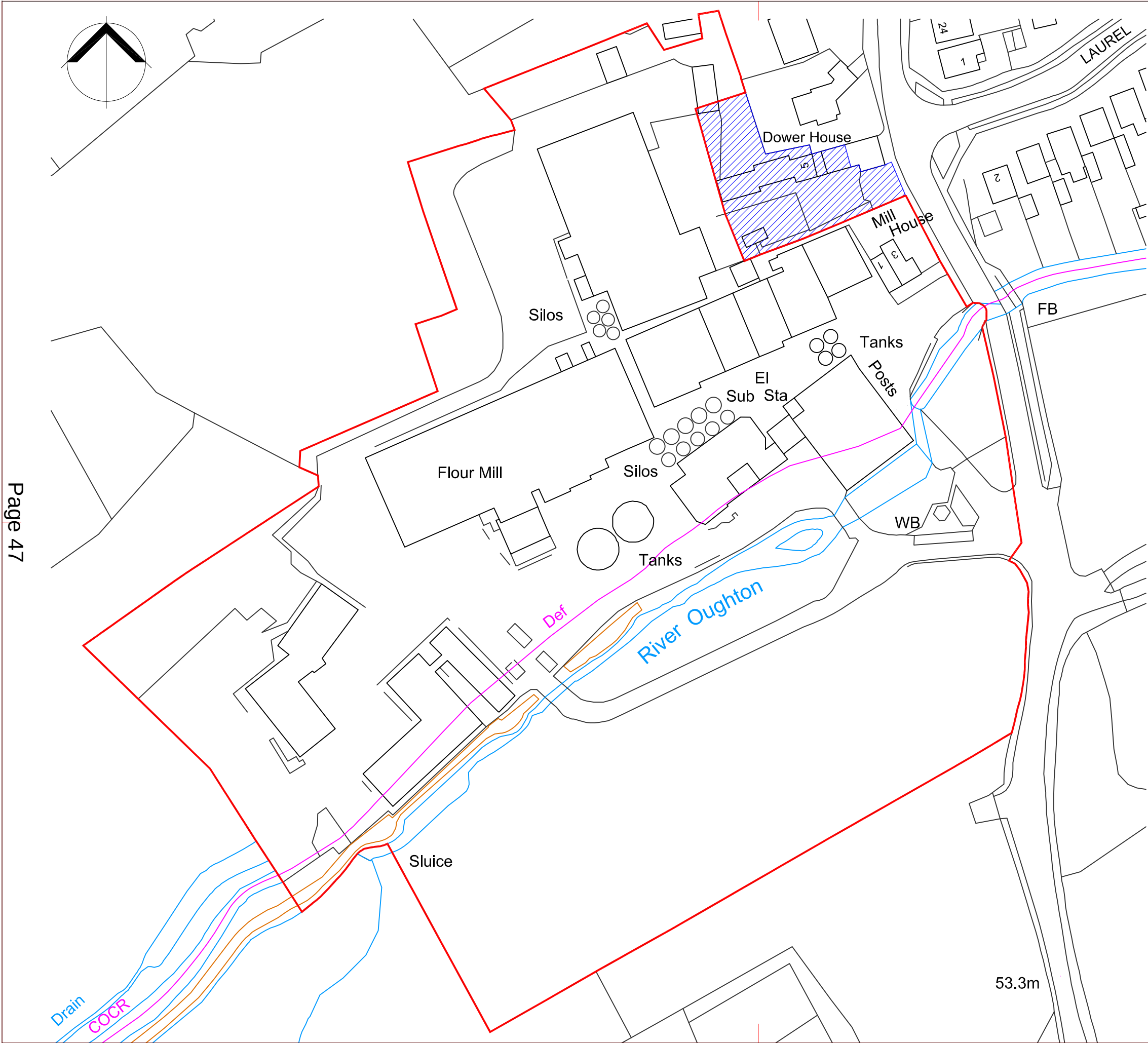
Anglian Water:

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Ecology:

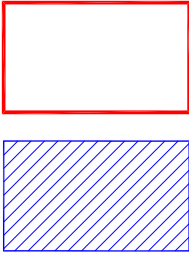
The site wide lighting scheme should be minimised by the use of lights with warm white light sources, UV filters, movement sensors, and directional downlights - illuminating below the horizontal plane which avoid light trespass into the environment. The use of light directional accessories such as baffles, hoods and louvres can assist with this. Particular attention should be made to avoid lighting of the trees, hedgerows and the river. Lighting types to be avoided include any blue-white light sources, metal halide and mercury lamps, and any form of uplighting, which lights above the horizontal plane, illuminating trees and foraging habitat.

A bat mitigation licence will be required from Natural England to proceed lawfully with demolition of B6 and satisfy the Conservation of Habitats and Species Regulations 2017 (as amended).



Revisions

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Proposed Application Boundary

East Lodge

Revision	B	Drawn	AMS	Reviewed	DJ	Date	08/12/17
Issue at pre-application stage							
Revision	A	Drawn	AMS	Reviewed	DJ	Date	11/11/17
First issue for comment							

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T: 01924 873873 F: 01924 870777 www.spawforths.co.uk mail@spawforths.co.uk

PRE-APPLICATION

Client Name
JAS BOWMAN & SONS

Project No 4048	Project Title BOWMAN'S FLOUR MILL ICKLEFORD			
Drawn By AMS	Reviewed By DJ	Scale 1:1000@A3	Discipline URBANISM	Date 11/11/16
Drawing No. 0000-0001	Drawing Title APPLICATION BOUNDARY			Revision B

File Path

Important notice:
Do not scale off this drawing. Critical dimensions should be checked on site prior to works commencing. Dimensional conflicts should be brought to the company's attention as soon as they become apparent. Failure to do so could render the contractor liable for subsequent losses. Copyright in this drawing and any work executed from this drawing remains the property of Spawforths.

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<u>Location:</u>	Ickleford Mill Arlesey Road Ickleford Hitchin Hertfordshire SG5 3UN
<u>Applicant:</u>	Hill Residential Limited
<u>Proposal:</u>	Reserved matters application for appearance, landscaping, layout and scale in relation to erection of 55 dwellings and associated access, car parking, garages, landscaping and open space pursuant to Outline Planning Permission 17/01955/1 (as varied by associated Section 73 Planning Application)
<u>Ref. No:</u>	26/00631/RM
<u>Officer:</u>	Peter Bull

Date of expiry of statutory period: 9 June 2026

Extension of statutory period: 24 July 2026

Reason for Delay:

The initial officer report was delayed due to discussions and negotiations on various technical aspects, further information received and additional consultation exercises that was undertaken as a result.

Reason for referral to Committee

The site area for this application for development exceeds 1 ha and therefore under the Council's scheme of delegation, this application must be determined by the Council's Planning Control Committee.

1.0 Site History

- 1.1 17/01955/1 - Outline Planning application for up to 71 dwellings and associated access, car parking, garages, landscaping and open space including demolition and removal of all existing structures, buildings and hardstanding (all matters reserved except means of access) – approved subject to legal agreement
- 1.2 25/02832/NMA - Amendment to wording of conditions 3, 7, 8, 9 24, 25, 26, 29, 36 and 38 (as Non-Material Amendment to outline application 17/01955/1 granted 11.03.2024) - approved
- 1.3 26/01348/DOC - Details Reserved by Condition 7 (Arboricultural Impact Assessment) of outline planning permission 17/01955/1 granted on 02.12.2025 - pending
- 1.4 26/01349/DOC - Details Reserved by Condition 24a (Historic Wall Report) of outline planning permission 17/01955/1 granted on 02.12.2025 - pending
- 1.5 26/01213/S106 - Modification to S106 associated with planning application 17/01955/1 to amend the affordable housing and development obligations - pending

- 1.6 26/01145/DOC - Details reserved by Condition 25 (Archaeological Written Scheme of Investigation) of planning permission reference 17/01955/1 granted on 11.03.2024 - pending
- 1.7 26/00976/DOC - Details reserved by Condition 38 (Landscape and Ecological Management Plan) of planning permission 17/01955/1 granted on 11.03.2024 - pending
- 1.8 26/00587/S73 - Variation of conditions 4, 10,11,14, 16, 17, 18, 19, 31 32, 35 and 37 of outline planning permission 17/01955/1 granted 11.03.2024 for up to 71 dwellings and associated access, car parking, garages, landscaping and open space including demolition and removal of all existing structures, buildings and hardstanding (all matters reserved except means of access) – pending
- 1.9 26/00735/DOC - Details reserved by condition 29 Parts (a) and (b) (Contamination) of planning permission reference no 17/01955/1 granted 11.03.2024 - pending
- 1.10 26/00671/DOC - Details reserved by condition 9 (i) (Demolition Stage Construction Management Plan) of planning permission reference no 17/01955/1 granted 11.03.2024 - pending
- 1.11 26/00672/DOC - Details reserved by condition 8 (Dust Management Plan) of planning permission reference no 17/01955/1 granted 11.03.2024 – pending
- 1.12 26/01433/DOC - Details reserved by Condition 20 (Surface Water) of planning permission reference 17/01955/1 granted on 11.03.2024 - pending
- 1.13 26/01495/DOC - Details reserved by Condition 22 (Foul Water) of planning permission reference 17/01955/1 granted on 11.03.2024 - pending

2.0 **Policies**

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

Policy SP1: Sustainable Development in North Hertfordshire
 Policy SP2: Settlement Hierarchy
 Policy SP6: Sustainable transport
 Policy SP7: Infrastructure requirements and developer contributions
 Policy SP8: Housing
 Policy SP9: Design and sustainability
 Policy SP10: Healthy communities
 Policy SP11: Natural resources and sustainability
 Policy SP12: Green infrastructure, biodiversity and landscape
 Policy SP13: Historic Environment
 Policy T1: Assessment of transport matters
 Policy T2: Parking
 Policy HS3: Housing Mix
 Policy HS5: Accessible and adaptable housing
 Policy D1: Sustainable design
 Policy D3: Protecting living conditions
 Policy D4: Air quality
 Policy HC1: Community facilities
 Policy NE1: Strategic green infrastructure

Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE6: New and improved open space
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy NE9: Water quality and environment
Policy NE10: Water conservation and wastewater infrastructure
Policy HE1: Designated heritage assets
Policy HE4: Archaeology

2.2 Supplementary Planning Documents

Design SPD (2015)
Vehicle Parking Provision at New Development SPD (2011)
Sustainability SPD (2024)
North Herts Design Code (Draft 2026)
East and North Herts Shared Waste Services Waste Storage and Collection
Guidance for Developers

2.3 Hertfordshire County Council

Local Transport Plan (May 2018)

2.4 Ickleford Parish Council Neighbourhood Plan

E1: Maintaining separation
E2: Protecting the Landscape
E3: Rural Character
E4: Biodiversity
HE1: Protecting and Enhancing Local Heritage Assets
SD1: Development within the Settlement Boundary
SD2: New Housing Development
SD3: High Quality
SD5: Water Management
C1: Community Facilities
C2: Recreation and Green Spaces
C3: Primary School and Site at Bedford Road
C4: Supporting Local Employment and Agriculture
MTT1: Provision for Pedestrians, Cyclists and Horseriders
MTT2: Car Parking

Village Design Codes
MO.01 Connectivity
MO.02 Public transport
MO.03 Wayfinding
MO.04 Junctions
MO.05 Inclusive streets
MO.06 Car parking
MO.07 Cycle & refuse storage
NA.01 Green Belt

- NA.02 Green Networks
- NA.03 Design with water
- NA.04 SuDS
- NA.05 Net gain
- NA.06 Biodiversity
- NA.07 Street planting
- NA.08 New woodland
- BF.01 Density
- BF.02 Types & forms
- BF.03 Heights
- BF.04 Building line
- ID.01 Local character
- ID.02 Legibility
- ID.03 Heritage Assets
- ID.04 Plots & blocks
- PS.01 Access street
- PS.02 Residential street
- PS.03 Tertiary street
- PS.04 Secured by design
- US.01 Schools
- US.02 Shops
- US.03 Community uses
- HO.01 Space standards
- HO.02 Accessibility
- HO.03 Gardens
- HO.04 Extensions
- SU.01 Low carbon
- SU.02 Insulation
- SU.03 Solar panels
- SU.04 Green roofs

2.5 National Planning Policy Framework (NPPF) (2024)

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

2.6 National Planning Practice Guidance (NPPG)

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

3.0 **Representations**

- 3.1 Ickleford Parish Council – original objections from outline remain valid – protection of open space (Green Belt) from future development, inappropriate road improvements for pedestrians, inappropriate bus stop and zebra crossing locations, design of crossing point adjacent emergency access, measures to protect chalk stream (river Oughton) from pollution, protection of existing brick built wall adjacent to old mill building.
- 3.2 Hitchin Forum – comments made relating to the formal designation of open space areas within the Green Belt and its protection going forward. Due to the location of the pumping station within the open space, this should be below ground level. Cumulative traffic impacts arising from this site and proposal at Land South of Turnpike Lane, Ickleford (reference 25/02401/OP) would have on this scheme if approved, and urge that these are looked at together, particularly as regards traffic particularly local schools. Is adequate visibility provided at the main junction?
- 3.3 HCC Highways – two minor objections to original proposals relating to delivery of footpath link to adjoining site and fire tender swept path analysis. Updated consultation response on revised plans awaited to be reported.
- 3.4 NHC Ecology – no objection
- 3.5 NHC Urban Design – no objection
- 3.6 NHC Senior Transport Officer – no objection
- 3.7 NHC Tree and Landscape Officer – no objection subject to conditions
- 3.8 River Hiz Conservation Group – no view on the housing project as a whole but has serious reservations about the environmental safeguards proposed for the chalk stream (River Oughton).
- 3.9 Neighbours – 6 letters received – 3 general support in principle although raises concerns and 3 object. Issues and objections raised -
- Siting of zebra crossing
 - Informal crossing point
 - Adverse impact from demolition dust and wheel washing on the chalk stream that runs through the site
 - Loss of privacy to 9 Arlesey Road
 - Careful consideration must also be given to a construction traffic management plan. There is an HGV ban in force through Ickleford and along Bearton Road. School drop off and pick up times should be avoided.
 - Safe walking & cycling pavements on OHW Arlesey Road need to be provided.
 - Inappropriate housing mix – insufficient affordable housing
 - Surface water drainage proposals inappropriate
 - Grey water recycling should be provided
 - Proposals do not include solar panels
 - Communal children's play area not provided
 - No plans for communal dry waste recycling bins
 - Hydro power should be provided for communal lighting
 - Inclusion of 2.5 storey houses contravenes Ickleford Neighbourhood Plan.

4.0 Planning Considerations

4.1 Site and Surroundings

- 4.1.1 The application site is a vacant mill located within the village of Ickleford off Arlesey Road to the southern edge of the village. Measuring 3.59 hectare in area, the site comprises a number of detached and linked buildings including mills dating from the 1960s and 1980s, silos, warehouse, food processing facilities, laboratories, offices and yard and car parking areas. The River Oughton runs through the site from east to west. The existing buildings are located within the settlement boundary for the village as defined in the North Herts Local Plan (NHLP) although the open space areas south of the river and the vehicular access are located within Green Belt. The site contains a number of trees which are located along the road frontage and to the south section of the site. There are two existing bridges which serve the site and these will both be retained as part of the proposals. These are referred to as primary (eastern) and secondary (western) in this report.
- 4.1.2 The village of Ickleford is located north of Hitchin. It has a predominantly residential character with the main built-up area to the north and north-east of the application site.

4.2 The Proposal

- 4.2.1 The application seeks reserved matters approval of *layout, scale and appearance and landscaping* pursuant of outline permission 17/01955/1 granted in March 2024 for residential development for up to 71 dwellings and associated access, car parking, garages, landscaping and open space including demolition and removal of all existing structures, buildings and hardstanding (all matters reserved except means of access) as amended by the application 26/00587/S73 which is being considered alongside and prior to this application by Members.
- 4.2.3 The proposal comprises the following dwellings all of which will meet Nationally Described Space Standards –
- 7 units located in a four storey apartment block
 - 3 terraced properties
 - 20 semi detached properties
 - 25 detached properties
- 4.2.4 The housing mix will be 60% market and 40% affordable split as follows –
- 33 market dwellings - 4 x 2-beds, 16 x 3-beds, 7 x 4-beds and 6 x 5-beds
 - 13 affordable rented dwellings - 3 x 1 beds, 8 x 2-beds and 2 x 3-beds
 - 1 social rent dwelling - 1 x 4-bed
 - 8 shared ownership dwellings - 5 x 2-beds and 3 x 3-beds
- 4.2.5 The proposals include –
- 5 no. M4(1) dwellings
 - 48 no. M4(2) dwellings
 - 2 no. M4(3) dwellings

4.2.6 The application proposals are set out in the following documents -

- Application Form
- Planning Statement
- Design and Access Statement (February 2026)
- Statement of Community Involvement (February 2026)
- Transport Statement V2
- Arboricultural Impact Assessment and Method Statement Report SHA 1948 (June 2026)
- Design and Access Statement (February 2026)
- Planning Statement (March 2023)
- Site Location Plan 185-PS-100 A
- Proposed Ground Floor Layout 185-PS-101
- Block Plan 185-PS-102 A
- Proposed Site Layout 185-PS-103 H
- Propose Material Plan 185-PS-104 H
- Proposed Refuse Plan 185-PS-105 H
- Proposed Parking & Cycle Plan 185-PS-106 H
- Site Location Plan 25033-GUA-XX-XX-DR-L-0001 P09
- Outline Hard Landscape Proposals 25033-GUA-XX-XX-DR-L-1001 P08
- Outline Hard Landscape Proposals 25033-GUA-XX-XX-DR-L-1002 P06
- Outline Hard Landscape Proposals 25033-GUA-XX-XX-DR-L-1003 P06
- Outline Hard Landscape Proposals 25033-GUA-XX-XX-DR-L-1004 P06
- Outline Soft Landscape Proposals 25033-GUA-XX-XX-DR-L-2001 P06
- Outline Soft Landscape Proposals 25033-GUA-XX-XX-DR-L-2002 P05
- Landscape Strategy Document 25033-GUA-XX-XX-DOC-L-0001P02
- 2B 4P House – Detached 185-PS-200 -
- 2B 4P House – Semi – Purbeck 185-PS-201 -
- 2B 3P House – Wenlock 185-PS-210 -
- 3B 5P House – Detached – Farleigh 185-PS-220 -
- 3B 5P House – Semi – Farleigh 185-PS-221 -
- 3B 4P House – Kings 185-PS-230 -
- 3B 4P House – Detached - Haddington 185-PS-240 -
- 3B 4P House – Semi – Haddington 185-PS-241 -
- 4B 8P House – Brick 185-PS-250 -
- 4B 8P House – Render 185-PS-251 -
- 4B 7P House – Alderin 185-PS-260 -
- 4B 7P House – Alderin 185-PS-261 -
- 5B 8P House 185-PS-270 -
- 5B 8P House 185-PS-280 -
- 5B 9P House 185-PS-290 -
- 5B 7P House – Eldon 185-PS-300 -
- 5B 7P House – Cherhill 185-PS-310 -
- Apartment Block 185-PS-400 -
- 2B 4P House - Semi - Old Mill Area 185-PS-410 -
- 2B 4P House - Semi 185-PS-411 -
- 2B 4P House 185-PS-420 -
- 3B 6P House - Semi 185-PS-430 -
- 3B 6P House - Terrace 185-PS-431 -

- 4B 6P House 185-PS-440 B
- Single Garage 185-PS-500 -
- Electric Substation 185-PS-510
- Shed 185-PS-520 -
- Entrance-Brick-Wall 185-PS-530
- Bridge 1 Wall-Railings 185-PS-531
- Bridge 2 Wall-Railings 185-PS-532
- Bridge 3 Wall-Railings 185-PS-533
- Proposed-Site-Sections 185-PS-610 B E
- V.2 Indicative Link Drawing in folder V2

4.2.7 The above document list includes updated drawings and supporting documents provided in June 2026 following in application negotiations with the applicant. Supporting documents have been updated to reflect the updated site layout.

4.3 Key Issues

4.3.1 This application seeks reserved matters approval pursuant to the outline planning permission 17/01955/1 (OP) as amended by the Section 73 application - 26/00587/S73 (S73). The original OP has established the use of the site for residential purposes as well as the main point of access. The extent of the consideration for this application is limited to the following reserved matters (RM) -

- Layout
- Scale
- Appearance
- Landscaping

4.3.2 As can be appreciated from section 1.0 of this report, applications to discharge conditions imposed as part of the outline permission have been submitted. These have been subject to consultation with the necessary technical consultees. These conditional matters 'interact' with elements of the reserved matters under consideration and have been considered as part of discussions around this RM application. The intention is that, if Members resolve to approve this application, all outstanding conditional matters would be formally agreed following agreement from relevant technical consultees. As with all conditional matters, such decisions are delegated to the Head of Development Management and Conservation.

4.3.3 The proposals have been negotiated over the last 12 months and therefore largely predate the publication of the recently adopted district *Design Code*. Whilst the proposal cannot therefore reasonably be expected to comply with the *Code*, discussions and negotiations have considered elements of it, and these have been included where reasonable.

4.3.4 As is indicated above, the Ickleford Neighbourhood Plan (INP) is a relevant consideration together with the Ickleford Design Codes (IDC). Of particular note, Annexe 3 in the INP identifies a Key View – V9 looking northwards towards the application site - and a Key Asset – A2 – the chalk stream which runs through the site. The Ickleford Design Codes (IDC) have been considered in so far as they are relevant to the reserved matters under consideration. For information, the development falls within Area Type *E- New Development of the IDC*.

4.3.5 This report will first set out the background to the application followed by an explanation and analysis on the each of the reserved matters.

Background

- 4.3.6 Members approved outline permission for the site in December 2022 subject to a S106 agreement. Officers concluded that the outline application was in accordance with the NPPF and the NHLP and would deliver additional housing to that allocated on a brown field site.
- 4.3.7 The outline permission S106 agreement secured the following matters - *Affordable housing, Local Community Facilities Contribution, St Katherine's Church Contribution, Waste Collection and Recycling Contribution, Open Space Scheme and Open Space Management Scheme, SuDs Scheme and SuDs Management Scheme and Financial contributions to HCC towards education and sustainable transport*. The applicant is seeking separately to vary the affordable housing mix and the trigger points for the submission of the various 'Schemes' from that set out in the original S106. The council's Housing Supply Officer has indicated support for the housing mix changes. This is being considered separately via a Deed of Variation (DoV) and does not form part of the consideration of this application (reference 26/01213/S106).
- 4.3.8 The number of dwellings secured at the outline stage meant that it was below the threshold for master planning (NHLP policy SP9). However, an Illustrative Site Layout Plan (ISLP) was provided as part of the outline application and this has, in part, informed discussions around the reserved matters. In addition, the outline permission secured a plan identifying the developable area of the site, which is confined to the areas containing existing buildings, structures and hardstanding. This has also informed the proposals now presented for consideration.
- 4.3.9 In March this year, an application was made to vary conditions 4, 10,11,14, 16, 17, 18, 19, 31 32, 35 and 37 of the OP. For the avoidance of doubt, a resolution to approve the S73 application would create a 'new' outline planning permission and the RM now presented would be implemented pursuant to this 'new' permission, not the original outline permission. As already mentioned in 4.3.7 above, a DoV application has been submitted and this proposes to introduce a clause to secure the S106 contributions secured as part of the original OP. This DoV is pending completion.

Layout

- 4.3.10 Layout is defined in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as: *'the way in which buildings, routes and open spaces within the development are provided, situated, orientated in relation to each other and to buildings and spaces outside the development...'*
- 4.3.11 NHLP policies to be considered that are relevant to layout include SP9, SP10, SP11, SP12, SP13, HE1, HS1, HS2, HS3, HS5, T1, T2, NE2, NE6, NE7, NE8, D1 and D3. Ickleford Neighbourhood Plan (INP) policies and design codes are also considered relevant.

General layout

- 4.3.12 The site has two key areas separated by the River Oughton (which runs east- west through the site) – open spaces to the south and west and the development area to the north and east. The main vehicular access to the site is provided via the existing mill vehicular access off Arlesey Road which was agreed as part of the outline permission. A secondary emergency access point was also secured as part of the original OP and this is to be relocated closer to and north of the main access as part of the S73 proposals. Access into the northern developed area of the site the south

will be provided via the existing primary (vehicular) and secondary (pedestrian) bridges.

- 4.3.13 The site has two-character areas – Mill Area and Riverside Area. The Mill Area is located north of the main vehicular access adjacent to the river (south) and Arlesey Road (east). The Riverside Area is located north and west of the existing primary bridge. This will connect via the primary existing bridge to the primary street and terminate in the north adjacent to existing residential development along the northern boundary. Properties will be located hard against the road edge with trees providing focal points at street ends.
- 4.3.14 The Mill Area consists of a total of 13 dwellings – 7 units within an apartment block and three pairs of semi-detached dwellings with adjacent car parking, landscaping water pump station and electricity substation. Vehicular access to the Mill area is provided off the primary road leading into a cul-de-sac with pedestrian access provided from the south (adjacent the river) and east (adjacent the existing bridge). The layout of this area seeks to acknowledge the presence of historic mill buildings which have existed along the river edge.
- 4.3.15 The Riverside Area comprises a total of 42 dwellings – 25 detached, 14 semi-detached and a terraced block of 3 with a combination of on and off plot car parking. This area is also accessed off the primary road leading to a number of cul-de-sacs. Dwellings adjacent to the river frontage are arranged in two groups at right angles to the river. Streets include on-street visitor car parking bays and some street landscaping. A pedestrian access path links the riverside area to the adjacent open spaces along the southern edge parallel to the river.

Residential amenity

- 4.3.16 Each dwelling will include an appropriately sized private garden area to reflect the size of the dwelling. Although for appearance reasons, officers considered that apartment units should not have individual balconies, a communal garden area for apartment block residents is provided at the ground floor adjacent the riverside edge. This garden space will include two picnic tables for use by residents.
- 4.3.17 The site is bordered by existing residential development to the north and east. Plots 38-44 will border these edges. In relation to plots 38-43, there is considered to be sufficient separation distance between the rear of proposed properties to boundary edges such that there will be no adverse amenity impacts on properties at Manor Close and Lodge Court. The originally submitted proposals relating to plot 44 have been revised following objections raised by the occupier of 9 Arlesey Road. Changes to this plot comprise reorganisation of internal room layouts, removal of all habitable room windows from the rear first floor elevation, the relocation of the rear patio area adjacent to the southern elevation and the planting of semi mature trees along the party boundary. Within the garden area of 5 Arlesey Road and along the party boundary with plot 44 is a group of mature trees which provides an adequate screen between the two properties. Similarly, an existing evergreen hedge exists along the party boundary of plot 44 with 3 Manor Close which provides an adequate screen between the properties. Officers consider that the proposal as now presented will not result in harmful or unreasonable impacts on adjacent existing properties. However, at the time this report has been published the re-consultation period is still running. Confirmation as to whether the revised proposals have resulted in any additional comments from neighbouring properties together with any further considerations will be provided prior to the meeting.

Movement and access

- 4.3.18 For context, the immediate access and movement network adjacent and outside of the site comprises only the existing vehicular access to the former mill off Arlesey Road.
- 4.3.19 The original OP secured off site works for the following –
- Condition 11 – a system of footways to be provided to connect the new development with the existing bus stops along Arlesey Road as part of the application.
 - Condition 14 – the provision of a Zebra along Arlesey Road south of the main vehicular access.
- 4.3.20 A sustainable transport (highways) contribution was also secured as part of the outline for wider improvements to the highway network arising from the development.
- 4.3.21 Within the application site, the existing three bridges will be retained – one serving vehicular traffic and the other two (eastern and western) serving pedestrians and cyclists. From the existing Arlesey Road junction, a new primary road is proposed. This comprises a 5.5m wide vehicular carriageway with a 2m wide segregated pedestrian path running along its southern and western edge. An additional footpath will link the initial section of the new carriageway on the northern side of the primary road to the existing (eastern) pedestrian bridge and lead into the Mill Area. From the vehicular bridge south of the river, a new footpath to follow the route of the existing path will be provided. This will lead to the natural play area and the other retained (western) bridge which will connect to the western part of the Riverside Area. A new footpath will also be provided parallel to and along the northern edge of the river.
- 4.3.22 From the northern side of the vehicular bridge beyond the first 'T' junction, the road narrows down to 4m wide after the vehicular bridge with a segregated pedestrian surface (1.8m wide) along its western edge. The remaining movement and access for all vehicles and pedestrians across the site will be provided via 6m wide shared surfaces.
- 4.3.23 Outside of the application site at the point where the vehicular access connects to the Arlesey Road junction, a 2m wide footpath will be provided by the developer as required by conditions on the outline permission (see 4.3.19) and will link to the 2m wide footpath on the site side. These off-site footway works and new zebra crossing would provide access primarily southwards towards Hitchin. Whilst potentially this would also provide a route for residents travelling to Ickleford, its location to the south of the site access means that it would not be the most optimal route to Ickleford village. The relocated emergency access within the Mill Area was conditioned as part of the outline permission to be used by emergency vehicles, pedestrians and cyclists only and would provide a more direct route to Ickleford village. A road crossing adjacent this access was not secured as part of the outline permission. However, as part of the improvements to within the public highway proposed as part of the associated S73 application, an additional section of footpath along the adjacent section of Arlesey Road leading to an uncontrolled pedestrian crossing is now proposed. This will better serve residents wanting to travel to Ickleford and encourage sustainable travel.

- 4.3.24 Members will recall that they recently resolved to grant planning permission for residential development Land South of Turnpike Lane, Ickleford (reference 25/02401/OP). Although not required as part of the outline permission, the applicant has agreed to provide a footpath within the site and up to the boundary with this adjoining site to maximise sustainable travel for future residents of both sites and the wider community. The details of this link will be secured by condition in the event of approval.

Car parking

- 4.3.25 There are two types of car parking provided as part of the proposals to cater for both residents and visitors. Residents on plot parking comprises a mixture of single and double garages, on plot and on-street car parking providing between 2 and 4 designated spaces per unit. A total of residents 107 spaces are required whereas a total of 123 spaces are provided. Applying the council's standard for visitor's car parking space provision - 0.25 spaces per dwelling – would require 14 spaces. The current layout plan illustrates 10 spaces. Officers consider that in this instance; the additional 16 residents spaces compensate for the shortfall in visitor's spaces. Overall, the quantity and location of car parking spaces for the development is considered to be acceptable.

Cycle parking

- 4.3.26 Condition 17 of the outline permission requires details of cycle parking to be submitted and agreed prior to occupation of any dwellings. For completeness, the applicant has provided resident and visitor cycle parking as part of the RM application. Resident parking for individual dwellings will be provided in either an enlarged garage or a secure shed located in rear gardens. For the apartment building, an integral cycle storage building is proposed. Resident cycle parking facilities are considered to be acceptable. Visitor cycle parking stands across the site, particularly adjacent to open spaces, benches and play areas are limited and the is subject of ongoing discussion with the applicant. Final details of these will be agreed as part of condition 17 of the original outline or S73 permission.

Open spaces

- 4.3.27 There are two key open / undeveloped spaces included as part of the proposed layout (i) the primary open space south of the river and (ii) secondary space adjacent to the south-western boundary. These open spaces are located within the Green Belt and were therefore excluded from the developable area as part of the outline permission. The open space south of the river will include the retention of existing trees, new landscaping to enhance biodiversity and the provision of play and recreation spaces to cater for all ages. The open space to the west includes a SuDs basin and new landscaping with a greater focus of habitat creation. Further details of the landscaping of these areas are set out in the *landscaping* section below.

Refuse strategy

- 4.3.28 Condition 31 of the outline permission requires details of waste storage to be submitted and agreed prior to commencement of new buildings. For completeness, the applicant has provided this information as part of the RM application. Each dwelling includes space for four bins with a communal bin storage area proposed for the apartment block. In accordance with the adopted waste strategy, the collection of domestic bins should be from kerbside. Where a lorry must reverse in, the bin collection points should be no more than 12m from the junction where it starts reversing. Where this is not possible, developers are required to have designated bin collection points that are on or next to roads that are built to adoptable standards.

- 4.3.29 Condition 30 of the outline permission requires details of the circulation route for refuse collection route to be agreed prior to commencement of new building works. For completeness, the applicant has provided a revised refuse collection vehicle tracking diagram to illustrate this. This is considered to be broadly acceptable although final agreement to the arrangement will be secured following consultation with colleagues in Waste Services once a formal application has been submitted for consideration.

Surface water drainage

- 4.3.30 Condition 20 of the outline permission requires details of surface water drainage to be agreed prior to commencement of new building works. Details have been submitted and a response from the LLFA is awaited (application reference 26/01433/DOC). It is understood that the applicant has discussed these proposals – which includes a SuDS basin adjacent to the south-western boundary of the site – with the LLFA prior to submission. The determination of this RM application is not considered to prejudice the determination of the conditional details.

Conclusion on Layout

- 4.3.31 The layout provides a simple and an appropriate arrangement of connected streets and buildings north of the river with linked open spaces provided to the south and to the south-west. Sustainable connections to the existing public highway have been prioritised. The layout is considered to be compliant with the developable area plan secured as part of the outline consent. Overall, the layout is considered to accord with the aforementioned NHLP policies, ISLP, INP policies IDC as well as the NPPF.

Scale

- 4.3.32 Scale is defined in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as: *‘the height, width and length of each building proposed within the development in relation to its surroundings’...*
- 4.3.33 NHLP policies to be considered that are relevant to *Scale* include SP9, SP10, SP12, SP13, HE1, D1 and D3. Policy SD3 in the INP relates to securing high quality design *“...good quality new development (including new buildings and extensions to existing buildings) will be supported, where they are in accordance with the guidelines and design principles set out in the Ickleford Design Codes. As appropriate to their scale, nature and location, development proposals should: Relate to the existing development pattern in terms of enclosure and definition of streets/spaces; • Be of an appropriate scale and density in relation to its setting; Use materials appropriate to the development’s context; • Be of a design with a locally inspired or distinctive character; New dwellings should not be more than 2 storeys in height unless the context is appropriate;”*
- 4.3.34 The outline permission did not identify any constraints relating to the scale of buildings across the site. The site currently contains a number of industrial scale former mill buildings which create a striking scale of development when viewed from the south from Arlesey Road (Viewpoint 9 in INP). Currently the area of the site occupied by mill buildings is relatively flat with grassed and treed embankments to the western and northern boundaries. As part of the proposals the site levels in the developable area will be altered to create a gentle incline from the northern side of the riverbank adjacent the vehicular access bridge to the northern part of the site.
- 4.3.35 In relation to the scale of the proposed buildings, with the exception of the apartment block building which will be four storeys in height, the dwellings will be 2 and 2.5 storeys with some 1 and 1.5 storey ancillary buildings (electricity substation and garages). The apartment building is intentionally higher and is intended to respond and reflect the original and traditional mill buildings that existed on the site. The 2.5 storey high

dwelling – terrace of three units to the centre of the site and a pair of semi-detached dwellings to the north – will be no higher than immediately adjacent two storey dwellings and are therefore considered appropriate. The view identified in INP (Viewpoint 9) is considered to be improved by the removal of existing redundant mill structures and the creation of a more uniform and legible arrangement of residential scale buildings.

Conclusion on scale

- 4.3.36 In terms of the scale of proposals, these are considered an appropriate response given the existing industrial scale of buildings currently on the site and its edge of settlement location. Overall, officers consider that they accord with the ISLP, INP, NHLP policies and as well as the NPPF.

Appearance

- 4.3.37 Appearance is defined in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) as: *‘the aspects of a building or place within the development which determines the visual impression the building or places makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture...’*
- 4.3.38 NHLP policies considered relevant to Appearance include SP9, SP13, DS1 and HS1. INP policies and design codes are also considered relevant.
- 4.3.39 The applicant has undertaken an assessment of local building character to inform design and appearance of the proposals. These existing local features comprise dual pitched tiled roofs, black fascia boards and rainwater goods, chimneys, dormer roof windows, bay windows, white framed casement windows, simple porches, stone cills on key elevations and projecting gables on larger houses. Materials include predominantly red brick and plain tiles.
- 4.3.40 The Old Mill Area is inspired more directly from the traditional mill buildings on the site which were built in a buff brick with slate tiled roofs. This area - the apartment block and three pairs of semi-detached dwellings - consist primarily of buff facing brick together with grey roof tiles. Curved window headers and stone cills are incorporated into the design of these units and are direct architectural references from the existing mill building. In addition, the houses have been designed with a third window to the principal elevation. This detail has been introduced to reflect the bay feature present on the original mill house.
- 4.3.41 The Riverside Area is inspired by the wider mixed built character of Ickleford. The dwellings are traditional in appearance. Combinations of red brick and white render are proposed for the main facing materials of the proposed dwellings. Render is proposed on plots that form vista stops or corner turn units. Black horizontal cladding will also be used on dwellings that form the edge of Green Belt. A mixture of roof tiles will be used comprising plain red, plain grey and red pantiles which will be used on dwellings which are clad.
- 4.3.42 Where dwellings or apartment blocks are proposed at junctions or key edges, these have been designed to be dual aspect. Ancillary buildings – garages and the substation – will also follow the materials palette depending on the area in which they are located.

Conclusion on Appearance

- 4.3.43 The appearance of buildings have been carefully considered reflect both the existing mill buildings on the site and the wider traditional character of Ickleford. The appearance of buildings will create a coherent and appropriate development which will

enhance both views of the site from the public realm including viewpoint 9 and Arlesey Road. A condition is recommended to agree precise material types prior to commencement of new buildings. Overall, the appearance is considered to accord with the aforementioned NHLP policies, ISLP, INP policies IDC as well as the NPPF.

Landscaping

- 4.3.44 Landscaping, in relation to reserved matters applications, is defined in the Town and Country planning (Development Management procedure) Order 2015 (as amended) as: *'the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes:*
- a. screening by fences, walls or other means;*
 - b. the planting of trees, hedges, shrubs or grass;*
 - c. the formation of banks, terraces or other earthworks;*
 - d. the laying out of provision of gardens, courts, squares, water features, sculpture or public art; and*
 - e. the provision of other amenity features...'*
- 4.3.45 Relevant NHLP policies include Policy ENV3, ENV4, NE1, NE7, NE8, SP9 and SP12. INP policies are also considered relevant.
- 4.3.46 The approved Developable Area Plan secured as part of the original OP set out areas of the site that could not be developed. These comprise (i) the primary open space south of the river and (ii) secondary space adjacent to the south-western boundary. Hard and soft landscaping is also proposed across the site within plots and streets.
- Primary open space*
- 4.3.47 The play area to the west comprises a bench seat, two picnic tables, equipment tyre, small wheelchair carousel, car tyre swing, dendrophone, toddler's swing fitted with toddler basket, stepping logs, stripped mirror – all secured by a natural timber fence. Footpaths in this area will be informal hoggin surface in keeping with the landscaped location and to protect tree roots from damage. Four new trees will be planted in this area.
- 4.3.48 The wider space comprises – four bench seat, a picnic table, triangular timber play platform, bunny hops frames, sit up bench, chin-ups frame, insect house, Sheffield cycle stand, branches and trunks arising from on-site tree works may be reused for habitat provision, Bollards are proposed to street edges to protect from unauthorised parking. The footpath to the river edge (south) will be informal hoggin surface in keeping with the landscaped location and to protect tree roots from damage.
- 4.3.49 This area has significant tree cover presently. With the exception of four low category trees, all other existing trees in this area are to be retained. Four new native trees are proposed adjacent to the eastern boundary, south of the main access along the Arlesey Road frontage. The access road from the junction up to and including the first stretch of road after the vehicular bridge will be black top surface. Shared surfaces and on-street car parking bays will be permeable brick pavements. This area has significant tree cover presently.
- Secondary open space*
- 4.3.50 This area includes the only SuDs feature for the site. The space will include existing grassland which will be enhanced, areas of bulb, wildflower and shrub planting and 19 new trees. An insect house is also proposed to the southern boundary. In the interest of ecology and biodiversity, access through this space will be via mown path. No seating or play equipment is proposed. Existing trees will be retained with the

exception three trees one of which is a mature Common Lime which is confirmed to be diseased and structurally in poor condition. A semi mature tree in a similar location is proposed to replace this and provide a visual focal point at the end of the street.

Mill Area

- 4.3.51 The hard landscaping comprises permeable brick paviour footpaths and road. The soft landscaping comprises – native species hedges to street boundary and to edge boundaries of dwellings, biodiverse amenity grass to the green space adjacent the substation and pumping station, six new trees within the area, the retention and improvement of existing landscaping adjacent Arlesey Road with biodiverse species, lawn turf to rear gardens and edges with public space. Six existing trees within this area are to be removed due to poor condition with the majority being retained.

Riverside Area

- 4.3.52 This will comprise – permeable brick paviour shared surface road and vehicular surfaces except for the footpath to the northern side of the river will be informal hoggins in keeping with riverside location and in the interests of minimising impact on riverside mammals. The soft landscaping comprises – native species hedges to street boundary and to edge boundaries of dwellings, eleven new trees within the area, lawn turf to rear gardens and edges with public space. Twenty trees are to be removed in this area due to poor condition and to ensure adequate space is provided in the rear gardens to plots 45-49 inclusive. Native species ground cover is proposed along the edge of the river.

Boundary treatments

- 4.3.53 There are a variety of boundary treatments proposed across the site - 1.8m high walls to public edges (publicly viewable), 1.8m high close boarded fences to rear gardens (private spaces), 1.8m high close boarded fences with 300mm trellis to rear gardens which abut existing residential development (private spaces), bollards to the primary road edge (south), estate style metal bar fencing to street and riverside edges, brick piers with estate style fencing to the site frontage, bridges and along the street boundary adjacent to the emergency access. Overall, these are considered to be in keeping with the character of the setting and village and strikes the right solutions for public and private areas.

Bridges

- 4.3.54 Details of hard and soft landscaping finishes have not been provided for the three bridges. A condition requiring details of these to be submitted and agreed is recommended to deal with this matter.

Biodiversity

- 4.3.55 A Biodiversity Net Gains Assessment was provided as part of the outline application. This confirmed an uplift of biodiversity across the site (non-mandatory). This was secured via condition 38 of the outline permission (Landscape and Environmental Management Plan - LEMP). The LEMP has yet to be submitted for consideration. The council's *Ecologist and Tree and Landscape Officers* have been involved in workshops and discussions with the applicant. They are broadly supportive of the proposals from a landscape, arboricultural and biodiversity perspective. The landscaping proposals currently proposed are not considered to prejudice the determination of the aforementioned LEMP condition.

Conclusion on Landscaping

- 4.3.56 The layout of the site has been landscape led and includes a variety of open spaces and areas for recreation, which follow the developable area plan secured as part of the outline permission. The landscape proposals – quantity, species, mixture and other details - are considered acceptable. The landscaping proposals are considered to

accord with biodiversity and landscape expectations set out in the ISLP, NHLP and INP policies and relevant design codes together with the NPPF.

Other matters

- 4.3.57 The parish council and local residents raised a number of issues and points and these are summarised at the beginning of this report. The original outline permission included conditions to deal with *tree and hedge protection, dust management, demolition management, street management, cycle storage, travel plan, surface water drainage, SuDS management and maintenance, foul water strategy, Flood Warning & Evacuation Plan, historic wall protection and repair, archaeology, Phase II environmental risk assessment, fire hydrants, waste services arrangements, sustainability, Landscape and Ecological Management Plan (LEMP), bat and mammal protection*. These matters are not therefore considered in detail as part of this RM application. Where matters raised are not addressed by existing conditional matters, they are addressed in this report if they relate to the reserved matters under consideration.

5.0 Conclusion

- 5.1 This application for reserved matters follows from the approval of outline application 17/01955/1 as amended by the application 26/00587/S73. Approval is sought for *layout, scale, appearance and landscaping*.
- 5.2 This is a 'windfall' housing site which will deliver 55 dwellings on previously developed land. The ISLP and outline consent set out broad aspirations for this site. The developer has worked closely with officers to present a proposal that reflects the site's location on the edge of settlement and Green Belt. The layout, scale, appearance and landscaping proposals are considered to respond to both the site's historic use as a mill and the character of Ickleford village. The proposed development is considered to accord with the ISLP, NHLP and INP policies and design code and placemaking priorities of the NPPF.
- 5.3 The approval of this application will make a contribution to the housing land supply. As the council is currently unable to demonstrate a 5-year housing land supply, the tilted balance of paragraph 11(d) of the NPPF is engaged, the collective benefits of the development would be significant. No adverse impacts have been identified and therefore the benefits would not significantly and demonstrably outweighed when assessed against the policies in the NPPF taken as a whole. The scheme therefore benefits from the presumption in favour of sustainable development which is a further material consideration.
- 5.4 There are no material considerations to indicate that the application should not be determined in accordance with the development plan. For the reasons set out above it is officer's view that the proposed development would accord with the development plan including the NHLP, and that there are no reasons to withhold the approval of reserved matters. As such, details should be approved subject to the following conditions.

6.0 Alternative Options

- 6.1 None applicable.

7.0 Pre-Commencement Conditions

- 7.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

8.0 Legal Implications

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

9.0 Recommendation

- 9.1 That reserved matters be APPROVED subject to the following:

A) the approval of the associated S73 application;

B) the applicant agreeing to extend the statutory period in order to allow time for the Deed of Variation to be completed for the associated S73 application which this RM approval will be pursuant to and to enable the decision notice to be issued; and

C) providing delegated powers to the Development and Conservation Manager to update conditions and informatives with minor amendments as required;

D) conditions and informatives set out below:

1. The development hereby permitted shall be carried out in accordance with the details specified in the application and supporting approved documents and plans listed above.

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

2. (A) Unless otherwise agreed in writing, prior to any works above slab level of the hereby approved application, detailed drawings of the pedestrian connection shown on submitted drawing named 'Amended V.3 Indicative Link Drawing' shall be submitted to and approved in writing by the Local planning authority. The connection shall be designed to show connection up to the western site boundary. It must also be of 2m width unless clear constraints can be demonstrated which only allow 1.5m width.

(B) Prior to the 50th occupation of any of dwellinghouses hereby approved, the above approved design must be constructed in accordance with the approved details unless otherwise agreed in writing.

Reason: To support future sustainable transport use as per HCC LTP Policies 1 & 5.

3. Prior to the above slab construction of any buildings on the site, full details and specifications of the proposed facing materials shall be submitted to and approved in writing by the local planning authority. Thereafter, the proposed development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure a satisfactory appearance to the development.

4. Prior to the first occupation of any dwellings, full details of the proposed hard and soft landscaping proposals shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved details shall be implemented and completed by the end of the first planting season following the local planning authority's written approval.

Reason: In the interests of visual amenity and to ensure a satisfactory appearance to the development.

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.

Informatives:

AN1) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN2) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN3) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

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

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

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Client:
Hill Residential Limited
The Courtyard, Abbey Barns,
Ickleton, CB10 1SX

Project:
Ickleford Mill
Ickleford, Hitchin
Hertfordshire

Drawing:
Site Location Plan

Scale: 1:1250@A1		Date: February 2025	
Drawn By: CK	Checked By: PD	Drawing No: 185-PS-100	Rev. No: A
CAD Ref:			

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**PLANNING CONTROL COMMITTEE
PLANNING APPEALS LODGED**

DATE: 23 July 2026

APPELLANT	Appeal Start Date	DESCRIPTION	ADDRESS	Reference	PROCEDURE
Mrs Jacqui Mebourne	23 June 2026	Replacement doors and windows to front and rear elevations (development already commenced).	19 Benslow Lane Hitchin SG4 9RE	25/03139/FPH	Fast Track
Mr Ben Wilkinson	01 July 2026	Residential development of 36 no. dwellings including creation of vehicular access off Station Road, associated parking, drainage, amenity space and landscaping.	Land To The South And East Of Senuna Park Ashwell SG7 5RJ	25/02547/FP	Written Representations

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PLANNING CONTROL COMMITTEE

DATE: 23 July 2026

PLANNING APPEALS DECISION

APPELLANT	DESCRIPTION	SITE ADDRESS	REFERENCE	APPEAL DECISION	COMMITTEE/ DELEGATED	COMMENTS
Mrs And Mrs Pyne-Madden	Glazed link extension between ancillary annexe and main dwelling and insertion of window to courtyard wall.	Lutyens Cottage Hitchwood Lane Preston Hitchin Hertfordshire SG4 7RY	25/02316/FPH	Appeal Dismissed on 22 June 2026	Delegated	The Inspector concluded that the proposal would have an adverse effect on the host dwelling and the listed building with insufficient public benefits. Therefore, it would not accord with Policies D1 (Sustainable design), D2 (house extensions, replacement dwellings and outbuildings) and HE1 (Designated heritage assets) of the North Herts Local Plan 2011-2031 (LP) which require schemes to respond positively to the site's local context with extensions that are sympathetic to the existing house in terms of matters such as height, form, roof type and materials, and where harm to the significance of a designated heritage asset is outweighed by the public benefits. The proposal would also not accord with NPPF paragraphs 212, 213 and 215.
Mrs And Mrs Pyne-Madden	Glazed link extension between ancillary annexe and main dwelling and insertion of window to courtyard wall.	Lutyens Cottage Hitchwood Lane Preston Hitchin Hertfordshire SG4 7RY	25/02318/LBC	Appeal Dismissed on 22 June 2026	Delegated	See above

Woolsington One LTD	Outline Planning Application for Residential Development of up to 280 dwellings (including affordable housing) green infrastructure including public open space, landscape boundaries and SUDS with all matters reserved except for access which is to be taken from Barkway Road (as amended by additional documents received 16 September 2025)	Land Off Barkway Road And North Of Flint Hall Barkway Road Royston Hertfordshire	21/00765/OP	Appeal Allowed on 6 July 2026	Committee	The Inspector concluded that given the location of the proposal adjacent to the settlement and public right of ways, the proposal would not conflict with LP Policy SP6 (Sustainable transport) which requires the Council to deliver accessibility improvements and promote the use of sustainable transport modes insofar as reasonable and practicable. The Inspector also concluded that the proposal would not result in an unacceptable impact on highway safety and would not result in a severe residual impact on the local highway network. Therefore, it would not conflict with LP Policy T1 (Assessment of transport matters) which seeks, among other things, development that would not lead to highway safety problems or cause unacceptable impacts upon the highway network. It would also not conflict with paragraph 116 of the Framework in this respect. The scheme would not conflict with paragraph 115b) of the Framework which requires that safe and suitable access to the site can be achieved for all users. The Inspector concluded that, the proposal would not harm the Therfield Heath SSSI. Therefore, it would not
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						conflict with LP Policies SP12 (Green Infrastructure, landscape and biodiversity), NE1 (Strategic green infrastructure) and NE4 (Biodiversity and geological sites) which seek, among other things, to protect, enhance and manage designated sites, suitable mitigation measures or appropriate replacement to satisfactorily address adverse impacts on the strategic green infrastructure network and proposals that appropriately protect, enhance and manage biodiversity. Accordingly, the proposal would also accord with the Wildlife and Countryside Act 1981 (as amended). The Inspector stated that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration which warrants a decision other than in accordance with the development plan, and the appeal should be allowed Please note: The Associated Costs Application was refused
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Appeal Decisions

Site visit made on 3 June 2026

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2026

Appeal A Ref: 6004582

1 and 2 Hitchwood Cottages, Hitchwood Lane, Preston, Hitchin, Herts SG4 7RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Matthew Pyne-Madden against the decision of North Hertfordshire District Council.
 - The application Ref is 25/02316/FPH.
The development proposed is glazed link extension between ancillary annexe and main dwelling and insertion of window to courtyard wall.
-

Appeal B Ref: 6004276

1 and 2 Hitchwood Cottages, Hitchwood Lane, Preston, Hitchin, Herts SG4 7RY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Matthew Pyne-Madden against the decision of North Hertfordshire District Council.
 - The application Ref is 25/02318/LBC.
 - The works proposed are the same as Appeal A.
-

Decisions

1. The appeals are both dismissed.

Preliminary Matters

2. The original application form describes the proposal as “provide a glazed link from the house to the barn” but I have used the description from the Council’s decision notice in the banner heading above for reasons of clarity.
3. The main dwelling is referred to as Lutyens Cottages in the decision notice and the appeal form, but the address should be based on the application form which in this case is 1 and 2 Hitchwood Cottages. This is also the list entry name for the listed building.

Main Issue

4. The main issue for both appeals is the effect of the proposal on the host dwelling and special interest and significance of the Grade II listed building known as 1 and 2 Hitchwood Cottages and Outhouse Linked to North¹.

Reasons

5. 1 and 2 Hitchwood Cottages were a pair of semi-detached dwellings with a joint outhouse block linked to the two houses by a central wall. They were designed by

¹ List entry 1176749

Sir Edwin Lutyens and built in 1913 as estate houses but have since been converted into a single family home with a single outhouse, although the central wall remains. The main dwelling is single storey with a large roof providing attic level accommodation. It comprises red brick with clay tile roof and tile hanging in the two end gables, with a central chimneystack, several casement windows and panelled entrance doors. The outhouse is subservient to the main dwelling in terms of scale but uses similar materials and design and has been recently extended on the north side.

6. The rich architectural detailing, the historic use as estate buildings, and the link with a prominent architect from the late 19th and early 20th century contribute greatly to the special interest and significance of the listed building. The outhouse forms a key part of the ensemble, and the survival of the central wall allows one to understand the listed building's previous use as two smaller dwellings. The space between the main dwelling and the outhouse acts as a small courtyard on both sides of the central wall. The space helps to offset the dwelling from the outhouse and reinforces the relationship between the two structures, thereby contributing positively to the special interest and significance of the listed building.
7. The proposed timber framed conservatory would occupy most of the courtyard between one half of the dwelling and the outhouse and provide a link between the existing kitchen and ancillary rooms. The principle of a glazed link is not disputed between the appellant and the Council. Subject to good design, I concur that such a link is possible.
8. The footprint of the proposed extension would be acceptable since a narrower link corridor would create an even smaller and largely redundant courtyard area between the link and the central wall. The use of the extension as additional living space is also satisfactory. However, the traditional timber conservatory design with a pitched roof comparable in shape and height to the outhouse would compete for attention in the relationship between the dwelling and the outhouse when viewed from the west side of the property. The roof would also be visible over the central wall from the other side and so would erode the sense of separation between the dwelling and the outhouse. The insertion of a window in the central wall would appear incongruous in a space that has previously functioned as a separate courtyard for one semi-detached property only.
9. While the proposal would not be visible from the road, have limited effect on historic fabric, and would ultimately be reversible, it would nonetheless have an adverse effect on the host dwelling and would not preserve the listed building contrary to Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also cause harm to the significance of the listed building.
10. The harm would be less than substantial but not insignificant. Policy HE1 of the North Hertfordshire Local Plan 2011-2031 (LP) and paragraph 215 of the National Planning Policy Framework (NPPF) require such harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. NPPF paragraph 212 requires great weight to be given to the conservation of designated heritage assets irrespective of the harm, while NPPF paragraph 213 requires clear and convincing justification for any harm or loss.

11. The proposal would allow for better functional use of the listed building with a covered link between the main dwelling and the outhouse. This could allow the outhouse to be used as ancillary accommodation space for different generations of the same family. However, the listed building appears to be functioning well in its optimum viable use as a dwellinghouse with the outhouse already forming part of that overall use. Moreover, the same functional and family benefits could be achieved through an alternative design given that the principle of a link extension is not in dispute. Therefore, the public benefits would not outweigh the identified harm and no clear and convincing justification exists for the proposal.
12. I note that The Lutyens Trust are the leading authority on the architect and have raised no objection with the proposed design. The Trust clearly has a wealth of expertise and knowledge relating to Lutyens and his buildings. However, I have assessed the proposal based on how the dwelling and the outhouse function together as part of the overall listed building and have concluded that the scale and form of the proposed extension would not be acceptable.
13. The Council has indicated that a flat roof and lightweight link with fewer glazing bars would be acceptable. No detailed design is before me and so I cannot comment on the merits of this or any other alternative approach. Nevertheless, it remains open for the appellant to submit fresh applications to the Council for a revised design proposal.
14. In conclusion, the proposal in both appeals would have an adverse effect on the host dwelling and the listed building with insufficient public benefits. Therefore, it would not accord with LP Policies D1, D2 and HE1 which require schemes to respond positively to the site's local context with extensions that are sympathetic to the existing house in terms of matters such as height, form, roof type and materials, and where harm to the significance of a designated heritage asset is outweighed by the public benefits. The proposal would also not accord with NPPF paragraphs 212, 213 and 215.

Conclusions

15. For the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

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Appeal Decision

Inquiry held on 12 13, 14, 15, 19 and 20 May 2026

Site visit made on 20 May 2026

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 7th July 2026

Appeal Ref: 6004178

Land off Barkway Road and North of Flint Hall, Barkway Road, Royston, Hertfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Woolsington One Ltd against the decision of North Herts Council.
 - The application Ref is 21/00765/OP.
 - The development proposed is outline planning application for residential development of up to 280 dwellings (including affordable housing) green infrastructure including public open space, landscape boundaries and SUDS with all matters reserved except for access which is to be taken from Barkway Road.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 280 dwellings (including affordable housing) green infrastructure including public open space, landscape boundaries and SUDS with all matters reserved except for access which is to be taken from Barkway Road, at Land off Barkway Road and North of Flint Hall, Barkway Road, Royston, Hertfordshire in accordance with the terms of the application, Ref 21/00765/OP, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Woolsington One Ltd against North Herts Council. This is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline with permission sought for up to 280 dwellings (including affordable housing) green infrastructure including public open space, landscape boundaries and Sustainable Urban Drainage (SUDs). All matters except for access are reserved for future consideration.
4. Drawing J32-5129-PS-008 Rev A sets out the details of the proposed access and footway connection and associated works. In addition, the Masterplan Framework Document v 20 November 2024 Revision M (Masterplan) includes a number of parameters including access points and zones for green infrastructure including public open space, landscape boundaries and Sustainable Urban Drainage (SuDs) features. The Developable Area Parameter Plan – Drawing No. Mosaic 020-01 and Access Parameter Plan – Drawing No. Mosaic 020-02 Rev A set out the parameters of the proposal in terms of access points and land use. I have

assessed the proposal on this basis and considered the other submitted drawings on an indicative but informative basis.

5. The proposed 'Walkway' to Grange Bottom and proposed walking and cycling route to Shrubbery Grove as indicated on drawing FHR-MI-GEN-XX-CD-CE-100 Rev P03 are subject to detailed design. I have therefore considered this drawing on an indicative but informative basis.
6. Concerns were raised regarding the service provided by the Council at application stage including whether all documents that the Council's development management planning committee made its decision based on were publicly available. From the evidence, all the relevant documents were publicly available on the Council's website so I can proceed to determine this appeal.
7. Concerns were raised during the course of the appeal regarding additional documents being submitted at appeal stage. The submitted documents do not alter the proposal which is the same as that determined by the Council when it made its decision. Accordingly, having regard to *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37] and *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin), I am satisfied that there has not been a fundamental change to the scheme and that there has not been procedural unfairness caused to anyone involved in the appeal.
8. The appellant has submitted a planning obligation under section 106 of the Town and Country Planning Act 1990. This is in the form of a unilateral undertaking (UU). As it is signed and dated, I have had regard to it in coming to my decision.

Main Issues

9. The main issues are:

- whether the proposal would provide adequate opportunity for travel by residents and visitors by non-car transport modes;
- the effect of the proposal on the local highway network and highway safety;
- the effect of the proposal on Therfield Heath Site of Special Scientific Interest (SSSI); and
- whether any material considerations, including the provision of housing, warrant a decision other than in accordance with the development plan.

Reasons

Travel by non-car transport modes

10. The site comprises 2 agricultural fields, referred to as the eastern and western parcels, and lies to the south of and adjoins the settlement of Royston. The two fields are separated by a tree belt which runs in the north south direction. A Public Right of Way (PRoW) bridleway passes alongside this tree belt and is part of the wider Hertfordshire Way. In addition, a PRoW footpath runs through the eastern parcel of the site also in a roughly north south direction. Part of a PRoW which passes through the Green Walk Plantation also lies within the red line boundary in the northwestern part of the site.

11. The site would be accessed by vehicles from Barkway Road which is to the east of the site. To the west of the site lies an agricultural field with trees and vegetation along the boundary of the site. To the south of the site lies Flint Hall Farm and access lane.
12. Part c of Policy SP9 of the North Hertfordshire Local Plan 2011 – 2031 (LP) seeks a number of requirements of Strategic Masterplans and planning applications for Strategic Housing Sites and significant development. These include, at part ii, to create integrated, accessible and sustainable transport systems with walking, cycling and public transport designed to be the most attractive forms of transport and effectively linking into the surrounding areas. It also requires at part iii to provide a clear structure and hierarchy of pedestrian friendly streets and well-connected footpaths and cycleways integrated with the wider built and natural environment and communities.
13. Paragraph 110 of the National Planning Policy Framework (Framework) states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It goes on to say that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
14. Paragraph 115 of the Framework sets out a number of factors to be ensured in assessing sites that may be allocated for development in plans, or specific applications for development, including that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location.
15. There are 3 main proposed access routes into the site. These are the vehicular access from Barkway Road; a walkway from northeastern corner of the western parcel (Grange Bottom link); and a link from the northwestern part of the site through to Shrubbery Grove (Shrubbery Grove link). There would also be a pedestrian access from Barkway Road at the northeastern corner of the site.
16. Barkway Road leads from the site to the town centre where the bus station is located and is around 1km from the site. Barkway Road and the A10 are main routes into Royston from the south. The wide range of services and facilities in Royston town centre are within roughly a 15 minute walk of the site. Barkway Road includes narrow footpaths and lies on a gradient such that walking and cycling would be less attractive than if the road was flat.
17. The proposed improvements to Barkway Road include extending the 30mph speed limit southwards, delivery of new bus stops alongside the primary access junction, upgrading the existing uncontrolled pedestrian crossing north of Shaftsbury Way to a Puffin crossing, removing the vehicular restraint system east of Limekiln Close junction, signalling the existing uncontrolled crossing of Barkway Road south of Prince Andrews Close, and upgrading the existing path to The Brambles area.
18. Together these proposals would result in a degree of traffic calming and safer pedestrian crossing points. Therefore, the proposed measures would improve the accessibility of the existing Barkway Road such that walking, cycling and public transport options would be more attractive than existing. Moreover, the Masterplan details the parameters for land use area including access and movement both within the site and connections to the wider area.

19. In addition, an existing bus stop is located near the site near Shaftsbury Way and further bus stops are proposed near the site access. The existing bus service frequency is around 7 busses on weekdays and may not cater to the needs of people commuting to Royston Station or to local schools during morning peak hours. The proposed planning obligation includes, among other things, financial contributions to the County Council towards increasing the frequency of the bus service should it be required. As such, any increase in the frequency of the bus service is uncertain.
20. Given the gradient of Barkway Road, walking or cycling is unlikely to be the most attractive mode of non-car transport for all future residents of the scheme, particularly people with young children or those less able-bodied. Given the close proximity of the bus stop, taking the bus is a realistic non-car transport choice despite uncertainty over future frequency increase. As indicated in the Masterplan, the Barkway Road access would be available to future occupiers on both west and east parcels of the site.
21. The proposed pedestrian link to Grange Bottom would enhance the existing connection from the site to Grange Bottom with details to be secured via a condition. Grange Bottom leads to Beldam Avenue which connects to Barkway Road. The existing connection from Grange Bottom to the PRoW includes steep sections of unmade ground. The proposed improvement as described in the Masterplan would consist of a boardwalk design that would retain existing mature trees. This route would improve the existing pedestrian link from the western parcel to Grange Bottom.
22. The Appellant has indicated that the connection could also be used by cyclists. The boardwalk connection would not be compliant with the Cycle Infrastructure Design July 2020 Local Transport Note 1/20 (LTN 1/20) which sets out standards for cycle routes. The route would be curved and around 2m wide. Accordingly, it may be necessary for cyclists to dismount and walk for at least part of the route. However, the overall length of the connection is likely to be limited given the distance from the site to Grange Bottom, and the proposed width would not be prohibitively narrow. While ardent cyclists would be unlikely to be deterred from using the route altogether, the route would not be the most attractive for other cyclists.
23. The PRoW that runs through the Green Walk Plantation currently provides access from the site to Shrubbery Grove which leads to the A10 and Royston town centre. A cycle route is proposed alongside the existing footpath. The preliminary design includes steps and a chicane barrier at a bend in the route, would include steep gradients and would be around 2m wide. The cycle route as proposed would not accord with LTN 1/20. While details of the route could be secured via condition, it is uncertain whether a step-free cycle route could be provided without unacceptably impacting on the trees in the plantation. However, given that the existing footpath is largely unmade, the proposed measures would improve the accessibility of the route for pedestrians. As with the Grange Bottom link, while the proposed cycle link may not be attractive for all cyclists, given the limited distance from the site to Shrubbery Grove, the proposed cycle route would not deter all cyclists.
24. There is no agreement by Royston Town Council (RTC), who own the Green Walk Plantation, to allow the proposed upgrades to take place on the land within their ownership. I note the legal submissions from the Appellant and the Council regarding the implementation of the works without the consent of RTC. A

suggested condition requires the submission of details of the connection and timeline for delivery with implementation in accordance with an agreed timetable. The Planning Practice Guidance advises that, with respect to conditions relating to land not in control of the appellant, conditions which prohibit aspects linked to the planning permission should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.

25. Although the RTC stated during the inquiry that they do not support the proposal, they stated during the planning application process that, while they object to the proposal, they would be minded to co-operate with the delivery of the cycle route link crossing Green Walk Plantation. As the scheme has not changed since the planning application was determined by the Council, the reason for the change in stance is unclear.
26. I note the evidence regarding the likelihood of RTC not blocking works to deliver the proposed works and that the Local Highway Authority (LHA) possess powers to carry out various works on the PRow notwithstanding the ownership of the land by RTC. I also note the evidence regarding the ability of the Council and LHA to compulsorily purchase the land to deliver the works as well as the reasonableness of such actions.
27. Accordingly, there are a number of ways to achieve the delivery of the Shrubbery Grove link without consent of RTC, and there is some possibility that the RTC may agree to delivery subject to the design of the link. Therefore, I consider that there is some prospect of the works being carried out within the time limit imposed by the permission.
28. The UU includes provision for a sum of money to be paid to Hertfordshire County Council in the event that the condition has not been discharged within one year of commencement of development. This Public Right of Way Contribution is towards enhancing the cycle route within Green Walk Plantation from public right of way PROW009 to Shrubbery Grove or such other public right of way enabling public access between the Development and Royston. I return to the UU later in this decision.
29. In any event, as the PRow through Green Walk Plantation currently exists, future occupiers could walk to Shrubbery Grove and on to the A10 which leads to Royston town centre even if the improvements are not implemented. Therefore, as a worst-case scenario the Shrubbery Grove link would be as existing with unmade ground and lack of lighting. The accessibility for future occupiers in this scenario would be mostly limited to able-bodied pedestrians for use during daylight hours. Those who are disabled or mobility impaired would be unlikely to use the Shrubbery Grove link given its current condition.
30. Future occupiers would also have the choice of using the Grange Bottom link or the Barkway vehicular access as well as the pedestrian access to Barkway Road at the northeastern corner of the east parcel of the site. However, this would add to the journey time for those in the western parcel. Furthermore, as there is a lack of bus stops on the A10, future occupiers in the western parcel would be required to travel across the site to Barkway Road to access the bus service to the town centre.
31. Overall, the topographical constraints of the area mean that the proposed links to the surrounding area and route to the town centre via non-car transport modes would not be easily accessible for all users. Walking and cycling to and from the

- town centre via Barkway Road would not be the most attractive forms of transport for all users, given the considerable gradient along most of the route. Moreover, the Grange Bottom and Shrubbery Grove links would not meet the LTN1/20 standards for cycle route design, limiting the attractiveness of these links by cycle. In addition, if the Shrubbery Grove link cannot be lit and step-free, the usefulness of this route particularly for vulnerable users would be limited to daylight hours. Accordingly, the scheme would not provide a genuine choice of transport modes.
32. Consequently, the proposal would not provide adequate opportunity for travel by residents and visitors by non-car transport modes. Therefore, it would conflict with LP Policy SP9 and Framework Policy 110 which seek, among other things, to create integrated, accessible and sustainable transport systems with walking, cycling and public transport designed to be the most attractive forms of transport and effectively linking into the surrounding areas, and a genuine choice of transport modes. The proposal would also conflict with paragraph 117a of the Framework which requires priority to be given first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.
 33. Part a) of paragraph 115 of the Framework requires sustainable transport modes to be prioritised taking account of the vision for the site, the type of development and its location. Given my findings above, the proposal would conflict with this part of the paragraph.
 34. The proximity of the site to the town centre is around 1km, bus journeys would last around 5 minutes, and able bodied people could walk or cycle to the town centre in around 15 minutes, albeit via a steep gradient along Barkway Road. Car journeys to access services and facilities in Royston would be limited in terms of time and distance. Therefore, the harm that would result from the conflict with LP Policy SP9 and paragraphs 110 and 115 of the Framework would be minor.
 35. Given the location of the proposal adjacent to the settlement and PROWs, the proposal would not conflict with LP Policy SP6 which requires the Council to deliver accessibility improvements and promote the use of sustainable transport modes insofar as reasonable and practicable.
 36. A scheme for up to 84 dwellings on Briary Lane¹ was refused by the Council for reasons including that it would not give all users a genuine choice of transport modes. The Council attributed significant weight to this harm in the planning balance. That site shared a number of similarities with this proposal in terms of location. It is sited at the edge of the settlement, on elevated land compared with the town centre. However, the appeal proposal includes provisions for new bus stops and Barkway Road provides a direct route to the town centre. Therefore, the Briary Lane decision is not directly comparable with the appeal and has not altered my findings on this main issue.
 37. In caselaw *Bellway Homes Ltd v SSHCLG* [2025] EWHC 1455 (Admin) for a site near Great Lumley, the appeal was dismissed for reasons relating to the location of the proposed development with respect to the nearest settlement. While I note the parallels with this appeal in terms of walking distances and public transport, as that scheme was in a different location, it is not directly comparable to this appeal and I've taken my decision based on the particular circumstances of the individual case.

¹ Council reference: 25/01708/OP

Highway network and highway safety

38. LP Policy T1 seeks development that would not lead to highway safety problems or cause unacceptable impacts upon the highway network. Framework paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
39. The proposal would be likely to result in some 200 car trips to and from the site during peak hours as a worst case scenario for 300 dwellings. This figure does not account for the effect of the proposed Travel Plan or increased home working trends since the Covid-19 pandemic.
40. As detailed above, the proposal includes improvements to Barkway Road and connections to local PRowS which seek to mitigate the effect of the proposal. Moreover, financial contributions would secure the improvements as well as new bus stops and funding towards more frequent bus services if required to address the wider cumulative impact of the development. It is agreed between the Appellant and the LHA that the modelling evidence, when considered as a whole, demonstrates that the Appeal development would not give rise to any unacceptable highway impacts.
41. In terms of the transports assessments carried out by the Appellant, a number of concerns were raised including regarding the base model. The existing A10 gyratory includes give-way junctions and a zebra crossing at Royston town centre and connects the A10 and Barkway Road.
42. A base model of the A10 gyratory using the software JUNCTIONS, was generated in 2021. I note concerns that the model was not validated against observed conditions including queue data. However, the Transport Assessment March 2021 confirms that to determine the traffic volumes on the highway network surrounding the site, Manual Classified Counts and queue length surveys were carried out on 9th December 2020 during peak hours. This was superseded by a model using LinSig software in 2025.
43. On 4th December 2024 traffic surveys were conducted in the same time frame as the 2021 surveys to account for changes to traffic patterns outside of the Covid-19 pandemic. The traffic counts used for the modelling were taken during a day in early December 2024, a period outside of the Christmas holiday season and when there were no adverse weather conditions.
44. With respect to the evidence being calibrated against queue data, the Transport Assessment Addendum April 2025 (TAA 2025) states that video data had been reviewed at the time of model preparation. It goes on to say that the observed queues generally reflect the modelled queues across all the junctions assessed. It was observed that while there were occasional queues as vehicles approached the junctions, static queues did not typically exceed 1 or 2 vehicles. This generally matched the modelled delay time. Therefore, the survey data used for the modelling is appropriate notwithstanding that it was taken over a day and not a longer time period. Accordingly, I consider that the modelled mean maximum queue in the LinSig model is the appropriate value to assess the prevailing operational condition and the modelling carried out by the Appellant adequately assessed the effect of the proposal on the local highway network.

45. Journey time surveys carried out over several days in April 2026 on behalf of the Royston Town Residents Alliance were in mid-April 2026 and showed greater delays than that recorded in December 2024. However, these represent the conditions during the weeks following the Easter bank holiday and also show that during some hours the delays were lower than that recorded in December 2024. Accordingly, this evidence does not demonstrate that the December 2024 surveys were not appropriate for use in modelling the A10 gyratory, nor that the assessments underestimated current traffic conditions such that the scheme would have a severe impact on the local highway network.
46. The proposal includes mitigation in the form of an upgrade of the A10 Barkway Street/A10 Market Hill junction to a signalised junction and to provide a signalised pedestrian crossing facility to replace the existing zebra crossing.
47. As well as the 2024 baseline, the junction was modelled with LinSig software with a 2027 scenario that included the proposed development and committed development. When modelled with the proposed mitigation of changing the zebra crossing to a signalised pedestrian crossing, including a 2027 scenario with the proposed development and committed development, the junction would operate within practical capacity during both peak hours. I am therefore satisfied that the proposal would not result in a severe impact on the local highway network with respect to the A10 Barkway Street/A10 Market Hill junction.
48. Concerns were raised regarding the effect of the proposal on Barkway Road and the lack of microsimulation modelling. Stretches of Barkway Road, from which the proposed site access would be taken, are currently available for on-street parking which reduces the usable width of the highway for vehicles. As such, motorists are required to give way to oncoming vehicles along these parts of the road. I note the evidence from local residents, including that provided during the inquiry, regarding the existing condition along Barkway Road resulting in congestion and incidents of increased risk of collision.
49. Microsimulation modelling for Barkway Road was not requested by the LHA and was not carried out. However, Barkway Road, from which the site access would be taken, was modelled using PICADY for 2027 scenario including committed development and the proposed development. The modelling concluded that the junction would operate within practical capacity during morning and evening peak hours. Moreover, the current conditions along Barkway Road including the single-lane traffic where there are on-street parking bays, fed into the assessment of the A10 gyratory.
50. Accordingly, I am satisfied that the conditions along Barkway Road were adequately assessed such that microsimulation modelling was not necessary. The evidence indicates that approximately 150 vehicles would leave the development and travel north towards Royston, which equates to 5 additional vehicles every 2 minutes. In addition, the proposal includes traffic calming measures along Barkway Road such as improved road crossings. Accordingly, the proposal would not result in a severe residual effect on the local highway network.
51. Turning to highway safety, the visibility splays at the proposed vehicular access were designed based on the 85th percentile speeds along Barkway Road. Information obtained via an Automatic Traffic Count (ATC) survey determined the higher 85th percentile speed to be 46.2mph. Notwithstanding a discrepancy in this

figure in one table, from the wider evidence, 46.2mph was the recorded 85th percentile speed in the southbound direction and was higher than the recorded speed in the northbound direction. As such, the junction was designed to a 50mph design speed.

52. The proposed site access drawing therefore shows visibility splays of 2.4m x 131.2m in both directions as derived from the worst case 85th percentile speed survey results. I note concerns that a second ATC should have been placed along Barkway Road. The location of the ATC was agreed between the Appellant and the LHA and measured speeds in both directions. I therefore see no reason why the visibility splay derived from the survey cannot be relied upon to provide adequate sight lines from the proposed access. In any event, the proposal includes the reduction of the speed limit along Barkway Road to 30mph at approximately 150 northwest of the site access, which would be likely to reduce average speeds along this stretch of Barkway Road.
53. I therefore find that the proposed visibility splay at the site access would not result in an unacceptable impact on highway safety.
54. The signalisation of the zebra crossing across the A10 Market Hill, which the modelling of the A10 gyratory captures, is shown as a preliminary drawing². A condition is suggested which restricts the commencement of above slab level works until further detailed design is agreed by the Council and restricts occupation of the development until the works are delivered. While I note that no Road Safety Audit was carried out, the evidence before me indicates that the proposed crossing can be designed in detail to a satisfactory standard and delivered within the timeframe of the permission.
55. Overall, the proposal would increase the number of vehicles on the local road network including along Barkway Road and the A10 gyratory near Market Hill. However, I am satisfied that the transport assessments adequately assessed the impacts on the local road network and highway safety and that the proposed mitigation measures can be delivered.
56. Consequently, the proposal would not result in an unacceptable impact on highway safety and would not result in a severe residual impact on the local highway network. Therefore, it would not conflict with LP Policy T1 which seeks, among other things, development that would not lead to highway safety problems or cause unacceptable impacts upon the highway network. It would also not conflict with paragraph 116 of the Framework in this respect. The scheme would not conflict with paragraph 115b) of the Framework which requires that safe and suitable access to the site can be achieved for all users.
57. The reference in the Framework at paragraph 115 to a 'vision-led' approach was not in the previous version adopted at the time the application was determined. However, given my findings above and the number of connections to the surrounding area proposed at different parts of the site and connecting to several routes to the town centre, I consider that the proposal would not conflict with part d) of this paragraph, or with Framework paragraph 118.
58. While I note the comments regarding the transport assessment in *Satnam Millenium Ltd v Secretary of State for Housing, Communities and Local*

² J32-5129-PS-005 Rev B

Government v Warrington Borough Council [2019] EWHC 2631 (Admin), given my findings with regard to the highway network and highway safety, this case also does not alter my overall decision.

Therfield Heath SSSI

59. The site is within the Zone of Inner Influence (Zoll) for Therfield Heath as identified in the Therfield Heath SSSI Mitigation Strategy November 2022 (THMS). The Therfield Heath SSSI lies to the west of Royston and covers an area of more than 140 hectares.
60. Paragraph 193b) of the Framework states that one of the principles that should apply when determining planning applications include that development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.
61. New housing development within the Zoll would be likely to increase the number of recreational visitors to the SSSI, potentially resulting in disturbance to the integrity of the designated features.
62. The THMS sets out that the designated features of the SSSI include lowland calcareous grassland, lowland mixed deciduous woodland, a vascular plant assemblage, an invertebrate assemblage and the Chalkhill blue butterfly.
63. To address the risk of adverse effects on the SSSI, a number of mitigation measures are proposed and set out in the Appellant's Therfield Heath Recreation Mitigation Strategy (RMS) which include onsite measures and financial contributions towards off site measures.
64. A Suitable Alternative Natural Greenspace (SANG) on the site is proposed and the area of green infrastructure it comprises is set out in the RMS. Some 10ha of green infrastructure is proposed and detailed in the Masterplan.
65. The THMS states that there is no nationally-set, or universally applied, SANG standard. However, it goes on to say that the provision of SANG at 8 ha per 1,000 population has been required in a number of solutions to mitigate the impact on internationally and nationally designated sites. It states that applicants and decision-makers should have regard to the 8-hectare SANG standard in developing and assessing proposals for development. This corresponds to a requirement of SANG for the site of some 5.38ha for a development of 280 dwellings.
66. The Fields in Trust Standards (2024) is adopted by the Council to assess open space provision across the district. Across all typologies it identifies a standards-based requirement of 5.35 hectares of open space per 1,000 population which translates to a requirement of 3.6 hectares of greenspace for 280 dwellings.
67. The proposed green infrastructure area of some 10ha would significantly exceed these requirements. The THMS states that for development within the catchment of Therfield Heath SSSI, any SANG green infrastructure should be designed to absorb significant proportions of the day-to-day recreational needs of the new residents, including dog walking, jogging, children's play facilities and other informal recreation. In terms of the quantity of SANG provision, the proposal would achieve this objective.

68. Turning to the quality of the SANG provision, the THMS states that SANG would normally be considered as natural and semi-natural greenspace and should aim to provide coherent recreational and or dog-walking routes within the site; and / or access to and / or sensitive incorporation of any Public Rights of Way, permissive routes or existing open spaces within or adjoining the site, particularly where these provide access to the wider countryside or might direct recreational activity away from the SSSI. The THMS also sets out that with respect to open space typologies related to organised sports and other forms of provision, it will not normally be appropriate to count these towards SANG provision.
69. The open spaces typologies proposed in the RMS include existing and proposed woodland areas, a park, play spaces and allotments as well as routes within the site that link to and incorporate existing PRowS. I acknowledge that some of the proposed spaces would be likely to have a more urbanised character than the existing undeveloped site. However, given the guidance in the THMS, I consider the spaces to contribute to the SANG.
70. There may be existing users of the PRowS that pass through the site who may be deterred by the proposal given its more urban character. I also acknowledge that there may be future occupiers who would visit the SSSI as an open space larger than 10ha. There may also be future occupiers of the development who would cross the SSSI to access sports facilities and meeting places on the north side of Therfield Heath. However, as the proposed green infrastructure on the site would far exceed the established standards, it is unlikely that the number of people who would use the SSSI instead of the site for recreational purposes would be significant.
71. In terms of east-west connectivity, the THMS identifies the PRowS that pass through the site and states that there is an absence of east-west connectivity and new links should be investigated and provided connecting the permissive route around Burloes to these rights of way.
72. The Green Infrastructure Plan in the Masterplan shows 'Avenues' that connect to form the primary vehicular route through the site from Barkway Road. The route would connect the PRow that passes through the Green Walk Plantation at the northwestern corner of the site, the PRow that runs north-south in the middle of the site, and the PRow that runs through the eastern parcel, as well connecting to the vehicular access point from Barkway Road. This route would directly address the lack of east-west connectivity identified in the THMS.
73. An alternative non-vehicular route through the site would roughly follow the southern edge of the proposed areas for housing development and is indicated passing through green areas such as the 'Meadows' park. Although noted as informal footpaths and proposed right of way, rather than PRowS, the UU includes an indicative informal footpaths plan and secures a scheme for the long term funding, management and maintenance of open space areas and Non-Adopted Roads. Accordingly, I am satisfied that the east-west connections through the site would effectively contribute to the mitigation of recreational pressure on Therfield Heath SSSI.
74. The proposed improvements to crossing points on Barkway Road would not align with the vehicular access on Barkway Road. However, a pedestrian route within the site towards the pedestrian access at the northeastern corner of the site and a new

- footpath that leads from the pedestrian access to an improved crossing would effectively provide a pedestrian route from the site to Barkway Road and on to Burloes permissive path.
75. With regard to financial contributions, a figure of £350 per dwelling was agreed between the Council and Appellant. This contribution sought to cover the cost of a site warden or other management measures agreed with Natural England. The figure of £350 per dwelling is also set out in the RMS which is acceptable to Natural England. However, a contribution of £500 per dwelling is secured via the submitted UU following discussion at the inquiry.
 76. The costs for on-SSSI education and management measures are set out in the THMS and cover time periods of 10 and 8 years. Taking a long term approach of 20 years to cover the local plan period from 2011 to 2031, the amount is some £1.4m, rising to around £1.6m with a 20% uplift to cover uncosted mitigation measures.
 77. The THMS states that 1,800 new homes are anticipated to be built in and around Royston over the twenty-year period from 2011 to 2031. As the inner 1.9km Zol is shown on Map 3 of the THMS to include Royston, there is no dispute between the parties that 1800 dwellings are anticipated to be built in the inner Zol.
 78. The THMS also states that more than 2,000 new homes are expected to be built over the period 2011-2031 within that part of the wider Zone of Influence that lies in North Hertfordshire. Map 11 of the THMS shows a coloured area for the wider Zol which includes the inner area. Moreover, the THMS refers to the wider 5.8km buffer and states that as well as the whole of Royston this incorporates, in whole or in part, many surrounding villages. I consider the wider Zol therefore to include the inner Zol and some 2000 dwellings are forecast to be built over the plan period within this area in terms of the THMS.
 79. When calculating a tariff from these figures, some £870 per dwelling can be derived. The Appellant disputes that 2000 dwellings in the wider Zol over the plan period is a realistic figure and considers that housing numbers would be likely to increase significantly as part of the emerging local plan in the region of 1000 homes. However, consultation on the emerging local plan is only due in the autumn of 2027. Accordingly, I attribute very limited weight to any comments on housing figures in this respect. On this basis, the financial contribution of £500 per dwelling appears not to cover the anticipated costs of mitigating against the proposal.
 80. However, in this case, as set out above, the proposal includes SANG provision which far exceeds the standards set out in the THMS. Accordingly, it is likely that the development would result in fewer trips to the SSSI after mitigation than accounted for in the THMS. Therefore, I consider the £500 per dwelling tariff to be an appropriate and proportionate amount taking into account the level of open space provision on the site and the other off-SSSI mitigation measures set out in the RMS. Accordingly, the contribution, along with the package of mitigation measures set out in the RMS, would adequately mitigate against the recreational impacts of the proposal.
 81. The scheme for up to 84 dwellings on Briary Lane³ was refused by the Council. It proposed a financial contribution of £1190 per dwelling towards mitigation of the

³ Council reference: 25/01708/OP

effects on Therfield Heath. In that case, the SANG provision would have been some 5.89ha, significantly less than that proposed for this scheme. Moreover, Therfield Heath lies almost adjacent to Briary Lane, such that future residents of that scheme were much more likely to travel to the SSSI for recreation. Accordingly, that scheme has not altered my finding on this main issue.

82. A scheme for 279 dwellings at Baldock Road in Royston was granted planning permission⁴. In that case, some £1000 per dwelling of financial contribution appears to have been secured towards mitigation measures on Therfield Heath SSSI. However, as the quantity of SANG on that site was some 5.37ha, it is not directly comparable with this scheme. I also note that the SANG in the Baldock Road case consisted primarily of strips of green space at the periphery of the site whereas the provision in the appeal scheme includes open parkland that would provide a higher quality of SANG provision.
83. LP Policy SP12 relates to green infrastructure and seeks to protect, enhance and manage designated sites in accordance with a hierarchy of designations and features which places internationally designated sites at the top then nationally designated sites followed by locally designated sites and non-designated sites. The supporting text states that whilst there are no biodiversity sites designated at the European level in the District, for example Ramsar sites, Special Areas of Conservation or Special Protection Areas, there are a number of nationally designated sites. Strict protection and control will be applied to all national designations in accordance with the Conservation of Species and Habitats Regulations (2010). These designations include six SSSIs as shown on the Policies Map and eight designated Local Nature Reserves (LNRs). Therfield Heath SSSI is included in the designations. As such it appears that the development plan places elevated importance on the SSSIs in the district to afford them equal protection as internationally designated sites despite setting out a hierarchy differentiating internationally and nationally designated sites in the policy itself.
84. In any event, even if the proposal was considered under Conservation of Habitats and Species Regulations 2017, and an Appropriate Assessment carried out, given the proposed mitigation measures including on site SANG and financial contributions towards on-SSSI provisions, the proposal would not result in likely significant effects on the SSSI. Therefore, the proposal would not conflict with LP Policy SP12 in this respect. I am also mindful that Natural England were consulted on the Recreation Mitigation Strategy in April 2026 and found it to be acceptable subject to additional measures detailed within the letter. Those measures are included in conditions and the UU.
85. The Conservators of Therfield Heath and Green have withdrawn their offer to carry out the mitigation measures on the SSSI. Neither the Council nor Natural England have expressly indicated a willingness to deliver the mitigation, and I note there are a number of landowners and occupiers of the SSSI. Nonetheless I see no reason why the Council or Natural England could not deliver the mitigation.
86. I note the appeal decisions⁵ which relate to other SSSIs. However, given that they do not relate to Therfield Heath SSSI and taking account of my findings above, the decisions have not altered my findings on this main issue.

⁴ 16/00378/1 and 19/00386/RM

⁵ Appeal Ref: APP/D0840/W/24/3354604, APP/B1930/W/23/3325998, APP/L3245/W/21/3289216

87. Consequently, the proposal would not harm the Therfield Heath SSSI. Therefore, it would not conflict with LP Policies SP12, NE1 and NE4 which seek, among other things, to protect, enhance and manage designated sites, suitable mitigation measures or appropriate replacement to satisfactorily address adverse impacts on the strategic green infrastructure network and proposals that appropriately protect, enhance and manage biodiversity. Accordingly, the proposal would also accord with the Wildlife and Countryside Act 1981 (as amended).

Other considerations

88. The North Herts Landscape Study identifies the site as being located within Landscape Character Area 228 Scarp Slopes South of Royston. As it consists of two agricultural fields that lie adjacent to existing built development of Royston, the site itself is rural in character but has a close relationship with the settlement. The site is contained by existing woodland and vegetation, and the proposal would not be readily perceptible from wider landscape settings. The proposal includes parameters for green infrastructure which would further screen views of the site and landscaping is to be secured as part of reserved matters applications. Therefore, while the scheme for up to 280 dwellings on agricultural land would urbanise the site, it would not cause unacceptable harm to the landscape character area taking into account mitigation measures.
89. The Council's Planning Officer's Report to the Development Management Planning Committee confirmed that the proposals would be contrary to LP Policy NE2 which aims to protect landscape character. However, at the inquiry, both the Council and Appellant did not consider there to be any policy conflict with respect to harm to the landscape character. Given the proximity of the site to Royston, its contained character and extent of green infrastructure proposed, I consider that any harm to the landscape character of the site and area would be minor such that there would not be an associated policy conflict. Accordingly, I attach minor weight to this harm.
90. The site comprises a mixture of grade 2, 3a and 3b agricultural land and therefore is regarded as Best and Most Versatile (BMV) land for agriculture. Most of the site is lower grade 3a or 3b. However, the area of BMV land for agricultural production is relatively small within the District. The Council and Appellant have not identified any policy conflict associated with the loss of BMV land. Given the limited size and lower quality of the agricultural land that would be lost, I attribute minor weight to this harm.
91. The proposal is an unallocated housing site in the development plan and is located outside the settlement boundary within the rural area beyond the Green Belt. LP Policy SP5 is a strategic policy that seeks, among other things, to operate a general policy of restraint in Rural Areas beyond the Green Belt through the application of detailed policies. LP Policy CGB1 relates specifically to Rural Areas beyond the Green Belt and allows certain types of development in these areas. The proposal for housing does not meet these criteria, so the scheme would conflict with this Policy. Given the conflict with these policies, I consider that the proposal would conflict with the development plan as a whole.
92. The development plan was adopted in 2022 and found to be sound at that time. In addition, LP Policies SP5 and CGB1 are consistent with the Framework. However, given the proximity of the site to Royston, a 'main town' in the terms of the LP with

access to a range of services and facilities, the harm resulting from the conflict with these policies would be minor.

93. The Council cannot demonstrate a 5 year housing supply, with the figure standing at 2.6 years. This equates to a shortfall of some 3,347 dwellings. The proposal would contribute up to 280 dwellings to the local housing supply. I note the proposal at Turnpike Lane⁶ which the Council resolved to grant planning permission in April 2026. The scheme was for up to 100 dwellings and would contribute to the local housing supply.
94. Nonetheless, given the considerable shortfall, I attach significant weight to the benefit of provision of housing. Moreover, the 40% of the proposed dwellings would be affordable housing to which I also attach significant weight as a benefit.
95. The proposal seeks to provide a Biodiversity Net Gain (BNG) uplift of 25% which would be secured by conditions relating to an Ecological Enhancement Plan and Landscape and Ecological Enhancement Plan. This attracts moderate weight. The proposal includes green infrastructure and open space which would be available to the public as well as future occupiers of the scheme. I attach moderate weight to this benefit given the quantum of open space proposed. There would be temporary economic benefits during the construction phase and future occupiers would contribute to local services. I attach moderate weight to this benefit.

Other Matters

96. I note local concerns including regarding noise and disturbance. The Noise Assessment by Air and Acoustic Consultants concluded that under reasonable worst-case conditions the proposed development does not result in a significant operational noise impact upon the existing noise sensitive residential development or any proposed future receptors.
97. The site is located in Flood Zone 1 and the site-specific Flood Risk Assessment submitted with the application concludes that an appropriate drainage system for both foul and surface water can be provided on the site and that the development would not significantly increase flood risk to the wider catchment area.
98. I note local concerns regarding pre-application engagement with local community, and the service provided by the Council during the application stage. However, I have necessarily determined the scheme based on its planning merits.

Planning balance

99. The Council cannot demonstrate a 5 year supply of housing so the policies which are most important for determining the application are deemed to be out-of-date.
100. As I have found that the proposal would not result in harm to the Therfield Heath SSSI, this issue would not provide a strong reason for refusing the development proposed in terms of paragraph 11di of the Framework. Accordingly, the provisions of paragraph 11dii of the Framework are engaged. This sets out that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken

⁶ Council reference: 25/02401/OP

as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

101. The conflict of the scheme with LP Policies SP5 and CGB1 attract minor weight as set out above. In addition, the proposal would not provide adequate opportunity for travel by residents and visitors by non-car transport modes. Therefore, it would conflict with LP Policy SP9 and Framework Policies 110, 115a and 117a, and I attribute minor weight to this conflict given the close proximity of the site to Royston and to the nearest proposed bus stops and that Barkway Road provides a direct route to the town centre.
102. I have found that the proposal would not unacceptably impact on highway safety or a severe residual cumulative impact on the road network following mitigation. These issues carry neutral weight.
103. As the financial contributions relating to the SSSI, the SANG provision on the site and east-west connections through the site help to mitigate the effects of the proposal in terms of recreational pressure on Therfield Heath SSSI, they attract neutral weight in the planning balance.
104. Balanced against the minor harms, the benefits of the scheme include the provision of housing and affordable housing which carry significant weight. Local highway and PRow improvements, green infrastructure and the provision of BNG carry moderate weight in favour of the scheme.
105. The conditions and planning obligation would secure improvements along Barkway Road and local junctions as well as the upgrade of the connection to the site from Grange Bottom. It would also secure the delivery of an upgraded, segregated footway adjacent to the eastern side of the A10 London Road between the Shrubbery Grove access and Warren Hill (around 400m). As these measures would improve accessibility along Barkway Road, the A10 and to the PRowS for local residents of the surrounding area as well as future occupiers of the proposal, they carry moderate weight in favour of the proposal.
106. Consequently, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration which warrants a decision other than in accordance with the development plan, and the appeal should be allowed.

Conditions

107. The conditions relating to timescales for the submission of reserved matters, specifying plans and relating to phasing are necessary in the interests of certainty. Conditions relating to the Masterplan are necessary in the interests of certainty and include provisions on on-site facilities such as open space and play spaces.
108. I have not attached the suggested condition relating to land use parameter plan and access parameter plan as it requires accordance with the same drawings in an earlier condition.
109. The conditions relating to a site wide design code and landscaping are necessary to safeguard the character and appearance of the area. Conditions relating to sustainability, waste, site waste management plan, drainage, flood risk,

- contamination, construction environmental management plan, noise assessment, fire safety are necessary in the interests of the living conditions neighbouring and future occupiers and to accord with development plan policies.
110. The condition relating to archaeology is necessary given the evidence of the early neolithic occupation, and the late neolithic/early bronze age barrow on the site.
111. The conditions relating to ecological enhancement plan, lighting design strategy for ecology, landscape ecological management plan, construction environmental management plan and trees are necessary in the interests of protecting the landscape and ecology.
112. Highways related conditions including relating to estate roads, surface water disposal, EV charging points, cycle parking, construction management plan, rights of way, existing field access, traffic regulation order, future management and maintenance of on-site streets are necessary for highway safety. The travel plan condition is necessary in the interests of sustainable travel modes and to accord with the development plan.
113. The conditions relating to off-site highway works and highway improvements to Grange Bottom Walkway, A10 segregated foot/cycleway, signalisation of Market Hill Zebra Crossing, Signalisation of Barkway Road Pedestrian Crossings, Signalisation of Barkway Road Pedestrian Crossing immediately north of Shaftesbury Way, Signalisation of Barkway Road Pedestrian Crossing south of A10 Gyratory, off-site highway improvements including refuge island, pedestrian crossing locations and bus stops generally relate to land controlled by the Highway Authority and are necessary for highway safety and are deliverable.
114. The Recreation Management Strategy condition is necessary to secure the management of open space on the site.
115. A condition restricting the commencement of the western parcel until the detailed design for the link is submitted to and approved by the Council, and restricting the occupation of the western parcel until the timescale for delivery of the works is submitted to and agreed by the Council, has been suggested. The works to the link would be on land owned by the RTC who at the time of the inquiry did not agree to the works being carried out. However, as set out above I consider that there are a number of ways the condition could be implemented such that there is at least some prospect that the action can be performed within the time-limit imposed by the permission.
116. The Shrubbery Gove link in its current condition limits the accessibility of the site such that only able-bodied future occupiers could access the PRoW and primarily only during daylight hours. Accordingly, although the link in its current condition is usable, the proposed improvements to the footpath and a cycle path would enable a wider group of future occupiers to access the link. Moreover, the improvements would aid a greater proportion of the public to access the proposed east-west permissive route across the site that links the PRoWs in the site and is identified in the THMS and RMS as mitigation measures for recreational pressure in Therfield Heath SSSI.
117. The UU includes provision for a Public Right of Way Contribution of some £49,500 to be paid to the County Council in the event that the condition is not discharged within 1 year. Given the condition and UU, in the event that the Shrubbery Grove

link cannot be provided, a financial contribution would be made to the County Council towards enhancing the cycle route within Green Walk Plantation from the PRoW to Shrubbery Grove or such other PRoW enabling public access between the development and Royston. Accordingly, I consider that the condition and this provision within the UU to be necessary and meet the relevant tests⁷.

118. It is not necessary for the condition to restrict the occupation of the eastern parcel as future occupiers of this parcel of the development are unlikely to use the link.

Planning obligation

119. The UU secures provisions relating to several aspects including: affordable housing; Council contributions; managed areas; car club; allotments; temporary permissive routes; contributions to the county council; travel plan; and highway works. The UU also secures financial contributions towards local services such as schools and healthcare services.
120. Clause 23 requires the submission of a Phasing Plan. There appears to be an error in the definition of Phasing Plan which excludes the word 'or' before 'pursuant to the relevant conditions of the Planning Permission'. I have amended the suggested condition wording from 'Site Wide Phasing and Delivery Plan' to 'Phasing Plan' in the interests of consistency with the UU. Accordingly, the provision in the UU for a phasing plan prior to commencement of development meets the tests.
121. There is no dispute between the Appellant and Council that positive obligations for the developer to pay contributions to the County Council and deliver infrastructure should not be enforceable against affordable housing providers; owner/occupiers of affordable housing units; or owner/occupiers of open market dwellings.
122. With regard to Clause 3.3, the Council consider that the absence of reference to the occupation restrictions that are linked to the payment of financial contributions and delivery of infrastructure pose a material risk to the enforceability of the restrictions on occupation throughout the UU. However, as Schedule One includes such restrictions on occupation I see no reason why the provisions would not be enforceable.
123. Clause 9 of the UU provides that a person shall not be liable for breach of any covenants or obligations if they have parted with their interest in the part of the site to which the breach relates. As the UU includes a provision that any person liable for breach of the obligations will remain liable for any breach occurring before that date, I consider the provision to be enforceable and meet the necessary tests.
124. Clause 5.1 of Schedule 1 relates to a car club and restricts commencement of development until details have been submitted to the Council. It also requires that occupation of the development is in accordance with the Car Club Scheme as approved by the Council in writing. Accordingly, I am satisfied that this provision meets the relevant tests.
125. Paragraph 4.8.8.2 of Schedule One requires the Owner to use reasonable endeavours to complete a transfer of the relevant Strategic Managed Areas within the Parcel to the Council or its nominee. The Council considers the lack of reference to all reasonable endeavours to mean that the clause does not compel all

⁷ Paragraphs 57 and 58 of the Framework

reasonable courses of action to be pursued where these are multiple. In my view the term reasonable carries its ordinary meaning and endeavours is stated in plural. Therefore, the provision meets the tests.

126. In paragraph 4.8.8.3 of Schedule One the words 'the Council' are in the opening part of the paragraph and not within part a). I consider that the deliverability of the provision is not affected by this wording and the provision meets the relevant tests.
127. Paragraph 6.9 of Schedule One of the UU sets out the terms of transfer of allotments to the Council or its nominee. It includes that the owner shall use all reasonably commercial endeavours to complete a transfer of the Allotments to the Council or its nominee or Town Council. Reference to 'commercial' appears to be an oversight. However, even if the transfer of the allotments to the Council or its nominee did not occur for commercial reasons, the UU includes provision for its management to be transferred to a management company in any event.
128. Clause 24 of the UU includes provisions where if details of Relevant Documents have not been approved by the Council or County Council within 30 working days, they will be deemed to have been approved. Relevant Documents cover a wide range of documents including Phasing Plan, SUDS Scheme, Allotment Scheme and Travel Plan. The UU requires the owner to have used its reasonable endeavours to revise that Relevant Document to satisfy the Council's reasonable planning requirements (or as the case may be the County Council's reasonable requirements) and allows the owner and council to agree another time period for agreement of the Relevant Documents. Moreover, as the UU cannot bind the Council, any clause restricting the commencement or occupation of the development until the Council approve documents would not be appropriate. I therefore consider Clause 24 to meet the relevant tests.
129. Notwithstanding this, a more reasonable time frame for the Council or County Council to approve details of Relevant Documents would be 40 working days or agreed between the owner and the Council (or as the case may be the County Council) in writing. This is to align with the 8 week time frame for discharge of conditions. The UU provides that I can specify an alternative period if I consider necessary. Accordingly, I disregard the particular part of the UU in Clause 24 relating to a period of 30 working days to be replaced with 40 working days.
130. I am satisfied that in each case the obligations meet the three tests set out in Paragraph 58 of the Framework for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (2010). As a result, I have taken the whole UU, as amended, into account.

Conclusion

131. Consequently, there are material considerations to warrant a decision other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

R Sabu INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Satnam Choong, Counsel (Assisted by Chatura Saravanan)

Witnesses:

Katherine Else MRTPI, BSc Hons, Dip TP – Managing Director, Claremont Planning Consultancy (Planning)

David Frisby Beng (CEng) FCIHT – Director, Mode Transport Planning (Highways)

Dr Dan Simpson BSc(Hons), PhD(Bris), CEcol, MCIEEM – Technical Director, Aspect Ecology (Ecology)

FOR THE LOCAL PLANNING AUTHORITY:

Ms Nina Pindham, Counsel - instructed by North Hertfordshire District Council

Witnesses:

Mr Ken Hegarty BE (Hons), MEngSc, CEng (IEI), MCIHT, and

Mr Steven Connell BA (Hons), Dip TP, MRTPI

Sam Dicocco – Principle Planning Officer, North Herts Council

RULE 6 CONSERVATORS OF THERFIELD HEATH AND GREEN:

Clive Hall - Chair

RULE 6 – ROYSTON TOWN RESIDENTS ALLIANCE:

Joel Semakula, Counsel - instructed by: Julie Dunthorne, Development Director, DDC

Witness:

Kamran Haider, BEng (Hons) MSc FCIHT, Director, Pulsar Planning

INTERESTED PARTIES

Cllr Yvonne Lee – Chair Barley Parish Council (Speaking for Barley Parish Council, Reed Parish Council and Barkway Parish Council)

Cllr Sarah Lucas – Royston Palace Ward, speaking on behalf of Chris Hinchliff MP

Cllr Tim Johnson - District and Town Council

Cllr Paul Arnill – Royston Town Council

Cllr Martin Prescott

Cllr Ruth Brown

Cllr Matt Barnes

Dr Alexander Matthews	Local resident
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Alexander Buccheri	Local resident
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Paul Taylor	Local resident
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Richard Jameson	Local resident
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Bob Wiggins	Local resident
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Richard Houghton	Local resident
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INQUIRY DOCUMENTS

ID1	Appellant's opening submission
ID2	Council's opening submission
ID3	CTHG opening submission
ID4	RTRA opening submission
ID5.1	Interested party representation - Alexander Buccheri
ID5.2	Interested party representation – Cllr Barnes
ID5.3	Interested party representation – Julie Mosley
ID5.4	Interested party representation – Cllr Yvonne Lee on behalf of Parishes of Barley, Barkway and Reed
ID5.5	Interested party representation – Cllr Ruth Brown
ID5.6	Interested party representation – Eoin Bell
ID5.7	Interested party representation – Yvonne Walker
ID5.8	Interested party representation – Karen O'Sullivan
ID5.9	Interested party representation – Richard Jameson
ID5.10	Interested party representation – Mr Houghton
ID5.11	Interested party representation – Cllr Sarah Lucas on behalf of MP Chris Hinchliff
ID6	RTRA Table 6.1 updated
ID7	Committee report, Land South Of Turnpike Lane
ID8.1	Fig 2 of CD 2.13 for site visit
ID8.2	Updated site visit itinerary map
ID9.1	Draft unilateral undertaking
ID9.2	Draft unilateral undertaking (plan 1)
ID9.3	Draft unilateral undertaking – obligation land (plan 2)
ID9.4	Draft unilateral undertaking – POS and allotments (plan 3)
ID9.5	Draft unilateral undertaking – parcel plan (plan 4)
ID9.6	Draft unilateral undertaking – indicative informal footpaths plan (plan 5)
ID9.7	Draft unilateral undertaking – title plan as referred to in Rec D (Appendix 7)
ID10	Draft conditions 18 May 2026
ID11	Royston Residents Alliance Closing Statement

ID12 Appellant Closing Statement
ID13 CTHG Closing Statement
ID14 British Railways Board v Secretary of State for the Environment
ID 15 Executed UU

Wording for suggested condition 34 from Appellant

Costs Application On Behalf Of The Appellant

UU Engrossment 20 May 2026

RTRA suggested amendments to conditions 34 and 35

Table comparing Appellant and Council wording for condition 34

Satnam Millenium Ltd v Secretary of State for Housing, Communities and Local
Government v Warrington Borough Council [2019] EWHC 2631 (Admin)

Revised UU 20 May 2026

Appeal decision reference: APP/A1910/W/24/3345435

Secretary of State decision for appeal cases references A. APP/B1930/W/22/3313110
& B. APP/B1930/W/22/3312277

Decision for Costs application in relation to Appeal Ref: APP/A2470/W/25/3375952

Reply To Costs Application On Behalf Of North Hertfordshire District Council

Costs Application: Appellant's Response To LPA Reply

E-mail from Council regarding UU 27 May 2026

E-mail from Appellant 28 May 2026

E-mail from Council regarding UU 2 June 2026

E-mail from Appellant 3 June 2026

Executed UU 5 June 2026

Appellants response to Table on UU 050626

Appellants comments UU 050626

E-mail from Council regarding UU 10 June 2026

E-mail from Appellant 12 June 2026

Updated Table Appellants UU Response

Appellants Final Comments UU 110626

House of Lords decision 1961

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale 'the Reserved Matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the first 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.
- 3) The development hereby permitted shall be carried out in general accordance with the Masterplan and complete accordance with the amended location plan (Mosaic drawing 004D), access plan (Drawing J32-5129-PS-008 Rev A), Developable Area Parameter Plan and Access Parameter Plan, 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.
- 4) Except for the permitted vehicular access, no part of the built development hereby permitted shall be commenced on a development parcel within a particular development parcel or sub-phase (as referred to in condition 7 Phasing) until full details of the layout, scale, appearance and landscaping within the parcel (hereinafter referred to as Reserved Matters) have been submitted to and approved in writing by the local planning authority.
- 5) Prior to or concurrent with the submission of the first Reserved Matters application, and any subsequent Reserved Matters applications, a Masterplan Compliance Statement shall be submitted to and approved in writing by the local planning authority. The Masterplan Compliance Statement shall provide detailed explanation of how the proposal accords with the Masterplan document approved under application reference No. 21/00765/OP. Where the proposal does not accord with a specific principle or parameter within the approved Masterplan, the Masterplan Compliance Statement must provide clear and robust justification for each departure.
- 6) Prior to or concurrently with the submission of the first Reserved Matters application a Phasing Plan which accords with the s106 triggers and Transport Mitigation Phasing Strategy has been submitted to and approved in writing by the local planning authority. Thereafter each subsequent Reserved Matters application for any phase (or part thereof) shall be accompanied by an updated programme or statement of compliance with the approved strategy for subsequent approval by the local planning authority. The development shall be carried out in accordance with the approved Phasing Plan unless there are unforeseen events / obstacles to delivery and alternative timing for provision is agreed in writing by the local planning authority.
- 7) All Reserved Matters submissions shall be in accordance with the Phasing Plan as approved by the local planning authority, unless otherwise agreed in writing by the local planning authority. Any references to a Phase of the

development within this permission shall be taken to be a reference to phases as identified within the Phasing Plan submitted under this condition.

- 8) The Phasing Plan shall include but not be limited to the sequence of commencing and completing the following elements:
- a) Residential development parcels;
 - b) A programme for the delivery of public transport infrastructure;
 - c) Primary roads/routes within the site, including timing of provision and opening of access point into the site;
 - d) Strategic footpaths and cycleways / active travel routes;
 - e) Housing Mix
 - f) Strategic foul and surface water features and SUDS;
 - g) Formal and informal public open space, allotments, LAPS, LEAPs and children's natural play space;
 - h) Strategic/structural landscaping;
 - i) Strategic telecommunications and energy networks;
 - j) Environmental mitigation measures;
 - k) Off-site highway improvements;
 - l) Accessible and adaptable housing.
- 9) Prior to the submission of the first reserved matters application(s) a Site Wide Design Code shall be submitted to the local planning authority for approval. No development shall commence except enabling and associated works until the Site Wide Design Code has been approved in writing by the local planning authority.
- The Site Wide Design Code shall be prepared in accordance with the approved parameter and framework plans established in this outline permission, building upon the place-making principles stated in the Design and Access Statement (Chapter 5) and the DAS Addendum (Chapter 2).
- The Design Code shall also follow Buildings for a Healthy Life 2020 Guidance and any relevant North Herts Design Guidance such as the emerging District Design Code. The Site Wide Design Code shall be structured as follows:
- (i) Site-wide Proposal
 - Regulating Framework Plan (plots, open spaces, movement network and street hierarchy)
 - (ii) Nature, Open Space and Ecology
 - Regulating Plan (based on Open Spaces identified in the Green Infrastructure Framework Plan)
 - Site Wide Landscaping Materials Palette (hard and soft)
 - Site Wide Tree and Planting Palette
 - Section on each Open Space (eg. 'Village Green, Plateau Park') to include:
 - Vision Statement

- Illustrative Plan (showing planting, habitats, trees, routes, surfacing, play, character, lighting, SUDs, function/use, etc)
- Illustrative Sketch View
- Play Concept and Objectives
- Planting Plan (based on Site Wide Tree and Planting Palette)

(iii) Streets, Movement and Parking

Regulating Plan (developing on routes and streets identified in Access and Movement Framework Plan).

Site Wide Streets Materials Palette (paving, highways, shared surface, etc)

Site Wide Parking Typologies

Section on each Street Typology (eg. Primary Street) to include:

- Section and Plan (front door to front door) to show carriageway, pavements, planting, verges, street furniture, utility corridors, street trees, play, defensible space, boundary treatments, materials, lighting, parking, adoption, cycling provision, cycle parking, and bin storage.
- Junction design to lower order street (eg. Primary to Secondary Street)

(iv) Character and Built Form

Regulating Plan (based on Urban Design Framework Plan)

Site Wide Tenure Distribution Principles

Site Wide Built Form Principles

Site Wide Materials Strategy (with contextual analysis of surrounding area)

(v) Compliance

Compliance checklist (to include all relevant codes from Site Wide Design Code and relevant policy including BHL 2020)

- 10) All Reserved Matters applications pursuant to this outline permission for a development phase shall provide full details of the on-site storage facilities for waste including waste for recycling and/or composting in accordance with the council's Waste and Recycling Strategy at the time of submission as per the approved site wide Design Code. Such details shall identify the specific positions of where wheeled bins will be stationed, and the specific arrangements to enable collection from the kerbside of the adopted highway/refuse collection vehicle access point in accordance with the walk distances set out in the council's approved waste collection strategy. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.
- 11) All Reserved Matters applications for landscaping for any development parcel or sub-phase shall include the follow design details:

Soft Landscape

 - a) Details of trees, hedgerows, habitats, ponds and other natural features it is proposed to retain or remove and details of how they will be protected during

the construction phase. Such details to include the tree protection measures in accordance with BS5837:2012.

b) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants;

c) 1:100 plans (or at a scale otherwise agreed) with cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of each development phase;

d) The landscape treatment of roads (primary, secondary, tertiary and green) through each development phase;

e) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.), tree pit details and details of the species, number and spacing of trees and shrubs;

f) The planting and establishment of structural landscape to be provided in advance of all or specified parts of the site as appropriate;

g) Full details of any proposed alterations to existing watercourses/drainage channels and details of any water features;

h) Details and specification of proposed earth modelling, mounding, regrading and/or embankment areas or changes of level across the site to be carried out including soil quantities, topsoil storage to BS 3882 : 2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up, and timing of works;

i) A specification for the Topsoil Strip, storage, re-spread and remediation in accordance with Defra : Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.

Hard Landscape

j) Full details, including cross-sections, of all bridges and culverts;

k) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns/brackets;

l) 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways.

Details of all hard surfacing materials (size, type and colour) shall be provided as part of Condition 7. No subsequent alterations to the approved landscape details are to take place unless submitted to and approved in writing by the local planning authority. The landscape within each Development Phase shall be implemented in accordance with the approved landscape details for that Development Parcel or Strategic Engineering and Landscape Element.

- 12) Prior to or concurrently with each Reserved Matters application, a Sustainability Assessment shall be submitted to and approved in writing by the local planning authority. Each Assessment shall explain how the development will address and deliver a specific target level under each

sustainability theme as outlined in the Sustainability Framework in the approved Masterplan. Thereafter, the relevant phase of development shall be carried out in accordance with the relevant approved Sustainability Assessment.

- 13) No development apart from enabling and associated works shall commence until a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the local planning authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in accordance with the approved details.
- 14) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment prepared by Link Engineering reference LE20274-FH-LE-GEN-XX-RP-CE-FRA01 Revision 01 dated 20 January 2021, the Proposed Drainage Strategy drawing number FH-LE-GEN-XX-DR-CE-500 Revision D, and the following mitigation measures detailed within the FRA:
 - (i). Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off during the 1 in 100 year event plus 40% climate change event.
 - (ii) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 1952 m³ (or such storage volume agreed with the LLFA) of total storage volume in infiltration basins.
 - (iii) Discharge of surface water from the private drain to ground via infiltration.The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- 15) No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details. No building hereby permitted shall be occupied until the approved surface water drainage scheme for the site has been completed in accordance with the approved details.
 - (i) Detailed infiltration tests conducted to BRE Digest 365 standards at the exact locations and depths where infiltration is proposed.
 - (ii) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

- (iii) Relocation of shared soakaways from private curtilages. If it is not possible to relocate shared soakaways from private gardens, robust technical justification should be provided as well as easements for maintenance access for the lifetime of the development.
 - (iv) Evidence of full exploration of the SuDS hierarchy and the use of above-ground features. Underground, cellular features should not be located in areas of green space. A source control approach should be prioritised.
 - (v) Provision of robust SuDS management and treatment.
 - (vi) Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times no greater than 24 hours. All calculations should use the latest FEH rainfall data.
 - (vii) Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm.
 - (viii) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 16) Upon completion of the surface water drainage scheme for the site in accordance with the timing, phasing arrangements, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the local planning authority. The scheme shall include:
- (i) Provision of complete set of as built drawings for site drainage.
 - (ii) Maintenance and operational activities.
 - (iii) Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime. Confirmation of who will be maintaining the SuDS for the lifetime of the development must be provided.
- 17) No development shall take place until a surface water management strategy for the construction phase has been submitted to and approved in writing by the local planning authority. The scheme shall include details of how surface water will be captured, attenuated and discharged from the site without increasing flood risk on or off site. The development shall be carried out in accordance with the approved details.
- 18) (A) Save for the approved vehicular access (Drawing J32-5129-PS-008 Rev A), no phase of development as agreed under condition 6 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:
- (i). The programme and methodology of site investigation and recording;
 - (ii) The programme and methodology of site investigation and recording as suggested by the evaluation;
 - (iii) The programme for post investigation assessment;
 - (iv) Provision to be made for analysis of the site investigation and recording;

- (v) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - (vi) Provision to be made for archive deposition of the analysis and records of the site investigation;
 - (vii) Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
 - (B) Each phase of development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition 18 (A)
 - (C) Each phase of 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 18 (A) and the provision made for analysis and publication where appropriate
- 19) No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted JPP report dated March 2021 (reference R-DS-21323-01-02), 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 details of how the remediation works shall be judged to be complete and arrangements for contingency action.
- 20) Full details of a Construction Environmental Management Plan (CEMP) for the development hereby permitted shall be submitted to and approved in writing by the local planning authority prior to the commencement of each phase of development (including any pre-construction or enabling works). The construction of the development shall thereafter be carried out in complete accordance with the approved details unless otherwise agreed in writing by the local planning authority. The Plan shall include but not limited to the mitigations measures as set out in the Noise Assessment provided by Sharps Acoustics Ltd and the following additional elements:
- a) Details and timing of the removal of any site waste;
 - b) measures to minimise dust during construction.
 - c) site set up and general arrangements for the delivery and storage of plant including cranes, materials, machinery and equipment, temporary offices and other facilities, construction vehicle parking and loading/unloading and vehicle turning areas;
 - d) construction traffic route signage, monitoring and enforcement measures;
 - e) any temporary screening and hoarding details to protect neighbouring residents;
 - f) end of day tidying procedures to ensure protection of the site outside the hours of construction. The construction activities shall be designed and undertaken in accordance with the code of best practice set out in British

Standard 5228 1997 and with the agreed details unless otherwise agreed in writing by the Local planning authority;

g) wheel washing facilities for construction vehicles leaving the site;

h) storage and removal of building waste for disposal or recycling;

21) Each reserved matters application shall be accompanied by a detailed noise assessment which shall include details of noise sources (including but not limited to London Luton and London Stansted airports) likely to affect and be affected by the development and necessary mitigation measures. Thereafter, the development shall be carried out in accordance with the approved noise assessment.

22) Prior to or in conjunction with the submission of each Reserved Matters application, an Ecological Enhancement Plan (EEP) for the creation of new wildlife features to include but not limited to hibernacula, the inclusion of bird, bat and bee boxes in buildings/structures and hedgehog holes in fences, has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

23) Prior to or in conjunction with the submission of each Reserved Matters application, a lighting design strategy for biodiversity for the relevant phase shall be submitted to and approved in writing by the local planning authority. The strategy will be informed by up to date bat surveys and shall;

a) identify those areas/features on site to which bats and other nocturnal species are particularly sensitive where lighting is likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to reach key areas of their territory, for example, for foraging, and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications including light exclusion zones, appropriate luminaire specifications, spacing and height of lighting units, light barriers / screening, light intensity, directionality and dimming and part-night lighting) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

24) Prior to the submission of any Reserved Matters applications, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall be in accordance with the Recreation Mitigation Strategy dated 13 April 2026 and include the following outline site-wide information:

a) Purpose and biodiversity objectives for the proposed works including biodiversity net gain;

- b) Suitably detailed design(s) and/or working methods necessary to achieve these objectives (including, where relevant, the type and source of materials to be used, the provenance of native trees etc);
- c) Extent and location of proposed works shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of development (including an annual work plan capable of being rolled forward over a thirty-year period comprising both initial aftercare and long-term maintenance); and
- e) Ongoing monitoring and remedial measures.

The development shall thereafter be carried out in complete accordance with the approved LEMP.

- 25) No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity should be informed by an up to date ecological walkover survey and shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) 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).
 - d) The location and timing of sensitive works to minimise harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 26) Prior to or concurrent with each Reserved Matters application, the following document(s) shall be submitted to and approved in writing by the local planning authority in accordance BS5837 (Trees in relation to construction) –
- (i) Arboricultural Impact Assessment
 - (ii) Arboricultural Method Statement
 - (iii) external underground service plan illustrating the routes of all cables and pipes.

Thereafter, the development shall be carried out and completed in accordance with the approved details.

- 27) Before the first occupation of any dwellinghouses hereby permitted, details of a fire hydrant(s) shall be submitted to and approved in writing by the local planning authority. Such details shall include provision of the mains water services for the development whether by means of existing water services, new mains, or extension to or diversion of existing services where the provision of fire hydrants is considered necessary. The hydrant(s) shall be provided in accordance with the approved details prior to the first occupation of the development.
- 28) With the Reserved Matters application relating to layout, for each development parcel or sub-phase shall include full details in relation to the design of estate roads (in the form of scaled plans and / or written specifications) and phasing details for commencement and completion shall be submitted to and approved in writing by the local planning authority to detail the following:
 - i) Roads, footways.
 - ii) Cycleways.
 - iii) Foul and surface water drainage.
 - iv) Visibility splays
 - v) Access arrangements
 - vi) Parking provision in accordance with adopted standard.
 - vii) Loading areas.
 - viii) Turning areas.
- 29) Prior to the first occupation of the development hereby permitted the accesses (pedestrian, cycle and vehicle), refuge island, new bus stops and other associated highway works as illustrated on drawing numbers (J32-5129-PS-008 Rev A and Access & Movement Plan Rev D) shall be completed in accordance with details and specifications to be submitted to and approved in writing by the local planning authority.
- 30) Prior to the first occupation of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.
- 31) Prior to the first occupation of the development hereby permitted, each residential dwelling shall be provided with an active (ready to use) EV charging point which shall thereafter be provided and permanently retained.
- 32) Prior to the first commencement of each phase of development hereby permitted, as agreed under condition 6, a scheme for the parking of cycles including details of the design, level and siting shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.
- 33) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local planning authority. Thereafter the construction of the development shall only be carried out in

accordance with the approved Plan: The Construction Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan.

34) Highway Improvements – Cycle Route to Shrubbery Grove

A) Design Approval

Prior to the commencement of development, a detailed scheme for enhancements to Shrubbery Grove to provide enhanced walking and cycling accessibility shall be submitted to the local planning authority for its approval in writing.

Details of the design should include:

- i) the route through the Green Walk Plantation/PRoW0009 linking to Shrubbery Grove; and
- ii) the connection from the Green Walk Plantation to the adopted highway.

The design shall be informed by updated habitat, species and tree surveys by qualified persons.

B) Implementation/Construction

- (a) a strategy and timescale for the delivery of improvement works referred to in Part A shall be agreed in writing by the local planning authority;
- (b) the works shall be delivered in accordance with the agreed strategy and timescale.

35) Grange Bottom Walkway

A) Design Approval – Grange Bottom

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence within the western parcel of the site until a detailed design for the Walkway to Grange Bottom, as indicated on drawing number FHR-MI-GEN-XX-CD-CE-100 Rev P03, have been submitted to and approved in writing by the local planning authority. The design shall be informed by appropriate ecological surveys to minimise impacts on habitats and species.

B) Implementation / Construction

(i) Prior to the first occupation of any part of the western parcel of the development hereby permitted, the improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

36) Highway Improvements – A10 Segregated foot/cycleway between Shrubbery Grove and The Warren

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed design for the off-site highway improvement works as indicated in Figure 2.2 of Land West of Barkway Road, Royston Transport Assessment Addendum v1.2, April 2025 has been submitted to and approved in writing by the local planning authority.

B) Implementation / Construction

Prior to the first occupation of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

37) Highway Safety Improvement – Signalisation of Market Hill Zebra Crossing

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing number (J32-5129-PS-005 Rev B) have been submitted to and approved in writing by the local planning authority.

B) Implementation / Construction

Prior to the first occupation of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

38) Highway Safety Improvement – Signalisation of Barkway Road Pedestrian Crossing immediately north of Shaftesbury Way

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on Figure 2.2 of Land West of

Barkway Road, Royston Transport Assessment Addendum v1.2, April 2025 have been submitted to and approved in writing by the local planning authority.

B) Implementation / Construction

Prior to the first occupation of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

39) Highway Safety Improvement – Signalisation of Barkway Road Pedestrian Crossing south of A10 Gyratory

A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works as indicated on drawing J32-5129-PS-005 Rev B have been submitted to and approved in writing by the local planning authority.

B) Implementation / Construction

Prior to the first occupation of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

40) Rights of Way

A) Design Approval

Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the on-site Rights of Way improvement works has/have been submitted to and approved in writing by the local planning authority.

B) Implementation / Construction

Prior to the first occupation of the development hereby permitted the on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the local planning authority.

41) Travel Plan – Requested Prior to Use

At least 3 months prior to the first occupation of the approved development a detailed Travel Plan for the site shall be submitted to and approved in writing by the local planning authority. The approved Travel Plan shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented with an annual review to be submitted to the local planning authority for a five-year period commencing following its written approval. Any modifications shall be agreed in writing by the local planning authority as part of the annual review.

42) Traffic Regulation Order – Indicated on Plan (Extension of Barkway Road 30mph zone)

Prior to the first occupation of the development hereby permitted the Traffic Regulation Orders (TROs) as indicated on Figure 2.2 of Land West of

Barkway Road, Royston Transport Assessment Addendum v1.2, April 2025 must be secured in place and implemented.

- 43) The existing field access identified on the approved access and movement parameter plan shall be used for emergency vehicle purposes and active travel users only unless otherwise agreed in writing by the local planning authority. Prior to the first occupation of the development, details of a gate, barrier or other similar means of control for this access shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved details shall be implemented within an agreed time period and thereafter retained in perpetuity.
- 44) Prior to the first occupation of the dwellings within each development parcel of the development, full details shall be submitted to and approved in writing by the local planning authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within that Parcel. Following the provision of such streets, the streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established in accordance with the approved details.
- 45) Prior to the first occupation of any dwellings hereby permitted, the off-site highway improvements include refuge island, pedestrian crossing locations and bus stops as illustrated on the approved access drawing shall be carried out and installed to the satisfaction of the Highway Authority.
- 46) Prior to or concurrently with the submission of any reserved matters application, a Recreation Management Strategy for the site should be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in accordance with the approved Strategy.

END OF SCHEDULE

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Costs Decision

Inquiry held on 12 13, 14, 15, 19 and 20 May 2026

Site visit made on 20 May 2026

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 7th July 2026

Costs application in relation to Appeal Ref: 6004178

Land off Barkway Road and North of Flint Hall, Barkway Road, Royston SG8 9DF

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Woosington One Ltd for a full award of costs against North Herts Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for residential development of up to 280 dwellings (including affordable housing) green infrastructure including public open space, landscape boundaries and SUDS with all matters reserved except for access which is to be taken from Barkway Road.
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Decision

1. The application for an award of costs is refused.

The submissions

2. The costs application and the Council's response were submitted in writing as well as the Applicant's final reply. The main parties did not make any substantive additional points orally at the hearing.

Reasons

3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. It goes on to say that examples include
 - preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; and
 - vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. The list not exhaustive and the Applicant considers that in addition to the above behaviours, the Council has behaved unreasonably by pursuing arguments that do

- not reach the threshold of respectability (i.e rely on an argument that no reasonable inspector could possibly accept).
6. The planning application was with the Council for some 6 years prior to determination by which point there were no outstanding objections from statutory consultees, including the Local Highway Authority (LHA), and the application was recommended for approval by the Council's planning officers.
 7. The Council's development management planning committee are not bound to follow planning officer's or LHA recommendations. It refused the application with 2 reasons for refusal including that the proposal would, in their view, fail to provide adequate opportunity for travel by residents and visitors by non-car transport modes.
 8. The application was refused despite the lack of objection from the LHA. However, the Council's witness substantiated the concerns through the proof of evidence and via formal examination and cross examination at the inquiry. The witness may have accepted in cross examination that the options of walking, cycling and taking the bus were available to future occupiers of the development. However, the likelihood that future residents would choose these options given the gradient along Barkway Road, and whether there would be a 'genuine choice' in the terms of the National Planning Policy Framework (Framework) is a matter of planning judgement.
 9. Policy SP9 of the North Hertfordshire Local Plan 2011-2031 (LP) seeks walking, cycling and public transport designed to be the most attractive forms of transport and effectively linking into the surrounding areas. The supporting text to the Policy requires a pragmatic and realistic approach that recognises the role of the car in modern lifestyles.
 10. The Cycle Infrastructure Design Local Transport Note 1/20 July 2020 (LTN 1/20) states that the guidance should be applied to all changes associated with highway improvements, new highway construction and new or improved cycle facilities, including those on other rights of way such as bridleways and routes within public open space. It may be the case that some cycle routes around the country do not accord with the standards in LTN1/20. However, the Council did not behave unreasonably by using guidance such as LTN 1/20 to assess the suitability of the existing Barkway Road for cycling to the town centre.
 11. The Council did not behave unreasonably by assessing the deficiencies in the proposed cycle routes to assess whether it, along with walking and public transport, would be 'most' attractive in terms of the wording of LP Policy SP9. Financial contributions were secured towards increasing the frequency of the bus service if required. However, as this relies on a future assessment by the County Council, an increase in the frequency of the bus service remains uncertain. Therefore, the Council did not behave unreasonably by assessing whether the walking and cycling routes would be suitable for people of varying mobilities, given the frequency of the bus service.
 12. A cycle link was proposed through the Shrubbery Grove link although the Applicant did not rely on the link. However, the Council did not behave unreasonably in assessing the accessibility of the town centre from the western parcel of the site via this link, given that, without the link, travelling through the site to Barkway Road would add to journey times. The effect of the accessibility of the Shrubbery Grove link and the Grange Bottom link on the choice of transport modes is a matter of

planning judgement that was substantiated during the appeal through assessment against national and local policies as well as guides such as the LTN 1/20.

13. The Council considered that the harm with respect to the first reason for refusal was substantial such that it significantly and demonstrably outweighed the benefits. The evidence presented by the Council assessed the extent of the opportunity for travel by non-car modes in order to come to that conclusion. While I have come to a different conclusion, the Council has not behaved unreasonably in this respect.
14. I note the comments of the Inspector for a case in Oakham¹. However, in that case the Council's reason for refusal was because the development would have a severe impact on the highway network and an unacceptable impact on highway safety. This is different to the reason for refusal in this case, and the details of the comments of the witness in the Oakham appeal are not before me to enable a direct comparison to be made.
15. Accordingly, I consider that the Council has not failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The Applicant had to address those concerns and the evidence of third parties in any event.

Conclusion

16. Consequently, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

R Sabu

INSPECTOR

¹ Costs application in relation to Appeal Ref: APP/A2470/W/25/3375952

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