

<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).