

FAO: Mrs Sarah Kasparian
Development Management
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
SG6 3FJ

Our ref: SRS/503/55/1/Phase1RMrevs

Date: 23rd February 2026

Dear Sarah

Re: Highover Farm, Hitchin – 25/02794/RM – Phase 1 Residential Revisions

Following the workshop held on 21 January 2026, the BDW team has made a number of revisions to the Phase 1 RM layout detail.

The revisions comprise the following documentation –

- This covering letter
- Consultation response tracker table – both statutory and public
- Design Code Checklist incorporating response explanation to NHDC officer comments
- Updated Documentation Table highlighting revisions to various plans
- Updated layout plans, street scenes, house types
- Updated landscape plans
- Updated road, drainage and lighting infrastructure plans.

For the avoidance of doubt, the overarching Outline Landscape Environmental Management Plan (OLEMP) which focusses on the BNG provisions across the entire site is to be submitted next week to discharge condition 21. The condition also requires the submission of a LEMP providing the specific detail for Phase 1 (and the same as part of subsequent phases) – this detailed Phase 1 LEMP, forming part of the Phase 1 RM submission, will also be forwarded later this week. The Open Space Management Scheme in so far as it relates to the Phase 1 RM as required under condition 13, will also follow at the same time.

SPECIFIC RESPONSE COMMENTARY/EXPLANATION

Consultation Response Tracker

The Consultation Response Tracker sets out the BDW response to comments and issues raised by both statutory consultees such as Hitchin Forum, LLFA, EHO, Affinity Water, etc. It also responds to public comments that, for ease of responding, have been grouped together on a topic basis

Housing Officer Comments on Affordable Housing

The S106 requires at clause 1.1.1 and 1.1.2 provision of 40% affordable housing across the development and at its discretion the Council may agree to not less than 35 % being provided in a phase. Clause 1.2 requires that each phase provide at least 65% as social or affordable rented units

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and 35% as Intermediate units. Phase 1 specifically provides 40% with 72% as social/affordable rent and a corresponding 28% intermediate. This is in accordance with the S106. It should be noted that if the Council requires an overall site wide percentage of tenure mix closer to the 65:35 split, the adjustment to achieve this can be reflected in the other phases yet to be designed.

Clause 1.3 states '*to provide the following types of affordable housing (unless otherwise agreed in writing):*' and proceeds to set out a percentage of tenure and unit types. The Phase 1 application provides a different percentage mix particularly in relation to the number of flats. In our view there is no specific requirement to provide the exact tenure/unit type mix within each phase, so long as the overall site achieves the percentage mix (unless agreed in writing with the Council to, for example reflect up-to-date demand). The Phase 1 RM application, therefore, accords with the S106.

Notwithstanding the above, it is acknowledged that there is a high percentage of flatted accommodation within Phase 1. The reasons for this are -

- (i) The approved Strategic Masterplan Framework, associated parameter plans and the Design Code identify higher density and increased building heights along The Avenue, around the local centre and as key focal point buildings within the street scene following good placemaking and design principles. The obvious way to achieve this is through the use of blocks of apartments.
- (ii) As phase 1 extends either side of The Avenue from Stotfold Road to the proposed school site, (i.e. over half of the length of the site), and is the main street scene, coupled with (i) above, it is inevitable that there is a higher proportion of apartments within Phase 1. Phase 1 and Phase 3 (also fronting either side of The Avenue, are the most obvious and sensible locations for the provision of apartment blocks.
- (iii) Whilst not all of the residential phases have been designed in detail as yet, the approved Phasing Strategy (condition 5) does identify the number of both market and affordable dwellings to be provided in each phase, with the percentage in each being not less than the required 35%. Unless market demand for either tenure type changes dramatically during the construction of the site as a whole (and both the S106 and condition 5 allow for this eventuality), these identified percentages in the Phasing Strategy must and will be adhered to.
- (iv) Phase 1 is also the largest phase in terms of overall numbers of dwelling being provided so there will be proportionately more one and two bed apartments within it.

We are conscious of the overarching split of tenure/unit type mix and will be ensuring that this is achieved across the development as a whole (as per (iii) above). There are adequate safeguards in place to achieve this.

In terms of internal layout of two bed houses, whilst we acknowledge the NHDC preference, this is ultimately up to the Registered Provider. Requisite revisions through an NMA S96a can be made to the internal layout of these properties if necessary at the appropriate juncture; similarly, provision of balconies.

Bearing in mind the above, we believe what is being proposed within Phase 1 is acceptable in planning terms.

Design Code Checklist

The Design Code Checklist officer comments were colour-coded red, amber, green. We have added a column to this checklist and provided a brief summary response to all of the amber and red points explaining what has been amended/how it has been addressed.

The exception to this is the Pocket Park/additional LAP provision, where a full response is provided below.

Pocket Park/Additional LAP to South of The Avenue

One of the top priorities (colour-coded red) for Officers was the request to include the Pocket Park as part of the revisions to Phase 1 and /or consider some additional LAP provision within the area to the south of The Avenue. We made it clear immediately prior to the workshop in an email dated 20 January 2026 why we could not accommodate this. At the workshop this was discussed at some length resulting in an 'in principle' broadly agreed compromise. For completeness, the reasons for not including the **Pocket Park** within Phase 1 are –

- The Phase 1 RM redline would require changing to accommodate the pocket park – we consider this is a fundamental and material change to the Phase 1 RM application submission which has a number of implications and knock-on consequences (both planning and commercial) for other phases and in particular further delaying the ability to start the construction of the development.
- The Phasing Strategy under condition 5, approved in October 2025, clearly identifies the provision of the pocket park in phase 4. It also identifies phased provision of all of the open space/play space in terms of 2 LEAPS and 1 NEAP, etc. There is nothing in there about temporary provision as part of an RM.
- The Phase 1 RM submission is in accordance with the approved Phasing Strategy – therefore, to now include the pocket park within the Phase 1 RM submission would require consequential changes to the Phasing Strategy, and arguably a redetermination of this condition (which is a prior to commencement condition), resulting in delay to starting construction of the approved Phase 0 RM (Infrastructure).
- Neither the S106 nor the outline permission and associated documentation require a temporary open space provision as part of a phase/during construction.
- At least half of the overall open space requirement is already being provided as part of this Phase 1 RM in any event.
- Sites of this scale are designed and planned as a whole in terms of open space/play provision – planning permission was granted on the basis that sufficient provision was identified and provided, in accordance with the FIT standards and Developer Contributions applicable at the time of the resolutions to grant (July 2023 and October 2023). The types of provision and their locations are reflected in the approved DAS, the approved Strategic Masterplan Framework, the approved ES, the approved parameter plans. How a site, including open space/play, is phased is subject to a condition, a condition which has been discharged. The Developer SPD states at para 8.4.3 *'where a development is phased or a site is divided into separate parts or otherwise regarded as part of a larger development, it will be considered as a whole for the purposes of open space provision'*. This is reflected in Policy NE6 of the adopted Local plan (final paragraph). There is nothing in this that requires additional or temporary provision outside of the whole site approved provision.

With regard to **additional LAP provision**, the initial masterplan concepts back in 2017 included and specifically identified circa 4 or 5 LAP provisions as well as 2 x LEAPS, 1 x NEAP and an urban square. Through pre-app discussions we were asked to remove/consolidate LAP provision with the LEAP/NEAP provision, for ease of management and maintenance reasons from memory. This was subsequently reflected within the application submission in 2018. The same principles were carried through in the extended negotiations on the Strategic Masterplan Framework and parameter/framework plans, although the urban square became the pocket park and the original NEAP location was moved to combine with the LEAP in Hitchin Meadows – there was further no discussion or identification or requirement for additional LAP provision. Whilst LEAPS and NEAP provision is specifically referenced as required provision in the S106, LAPs are not. This reflects paragraph 8.4.12 of the Developer Contributions SPD which states *'stand-alone LAPs will in general only be considered on an exceptions basis where there is no appropriate accessible play provision'*. The approved Design Code does not include separate LAP provision or guidance.

Whilst specific LAP provision is not included within any of the Highover Farm documentation, the principle of provision of 'play-on-the-way' was included within the approved Design Code, specifically along Dane Walk. The compromise principle arrived at in the workshop as part of a

partial layout redesign south of The Avenue was the inclusion of some 'play-on-the-way' equipment within a linear area of open space already incorporating an off-road pedestrian/cycle, alongside some focal point tree/shrub planting within one of the redesigned streets (ref:GL2024 LP 14C). We believe this is an appropriate, reasonable and proportionate response to officer comments.

Miscellaneous –

Affordable housing layout

The submitted layout south of The Avenue contained an west-east facing cul-de-sac of affordable housing and with a row of frontage parking spaces. At the workshop we presented an alternative layout whereby a new street was created with a north-south orientation that could then be carried on further south into the Phase 4 layout. Street trees, shrub planting and green verges are now also able to be incorporated, softening the street-scene. There was broad in-principle agreement that this alternative was a much better design solution. However, in resolving this key layout design issue, this has potentially created a situation which is contrary to the policy direction of travel being advocated in the Council's emerging District-wide Design Guide/Design Code SPD, namely, to avoid having affordable housing facing each other along the length of the street.

We have looked at whether it is possible to relocate an element of the affordable housing from this redesign street elsewhere within the Phase 1 layout or transpose it into another phase. We have also considered this elsewhere in the layout where the same issue occurs. However, at this stage of the application process (given this specific point has not been raised before), this would -

- (i) involve making a number of other changes to the layout, pushing it into the realms of material change affecting commercial decisions and timescales for starting on site and for delivery;
- (ii) would force a re-calculation of the affordable ratios and percentages across each of the future phases creating a need to revise the recently approved Phasing Strategy;
- (iii) alter HCC S106 calculations for a number of financial contributions; and
- (iv) create additional difficulties in achieving the affordable housing provisions and requirements set out within the S106.

For these reasons, in addition to the key fact that this requirement is not adopted policy and has not even been published in draft for public consultation purposes at this time, we consider the layout alteration that we have presented which creates a much improved design solution, is the critical and over-riding issue here and is acceptable in planning terms.

CONCLUDING REMARKS

A comprehensive set of revisions to the Phase 1 RM layout submission have been made to bring it in accordance with the Design Code, as far as this is practicably possible. The Design Code allows for some minor deviations in any event. We believe the revisions made reflect what was discussed and worked through at the workshop and it is readily acknowledged that in a few instances this reflects compromise by both BDW and Officers. We have pushed back on what we consider are material matters, notably change to the redline, backed up by a sensible, workable and reasonable alternative.

Furthermore, in addition to the Design Code, the revisions made still ensure that the application is in accordance with adopted policy, the design principle of the strategic masterplan framework and approved parameter plans, the S106 and the outline planning permission. The planning balance is therefore in favour of approval of the reserved matters as now presented.

We believe we have responded and addressed all consultee matters, but please let me know if you consider we have overlooked anything.

We look forward to the application being able to be written up for approval and presented to Planning Committee on the 16 April.

Yours sincerely,

Sarah R Smith

[SarahRSmith \(Feb 23, 2026 11:14:51 GMT\)](#)

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