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Ref: DF / PL-0710
Number: 07523 685710
Email: [REDACTED]
Date: 4 March 2026

Dear Peter,

Re: Proposed Section 73 application in respect minor amendments to conditions 4, 10,11,14, 16, 17, 18, 19, 31 and 32, 35 and 37 pursuant to outline planning permission 17/01955/1 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). at: Ickleford Mill, Arlesey Road, Ickleford

This letter has been prepared by Ceres Property on behalf of Hill Group, in relation to a proposed variation of condition application under Section 73 of the Town and Country Planning Act. The current Outline Planning application granted planning consent on the 11 March 2024, for up to 71 dwellings at Ickleford Mill, Arlesey Road, Ickleford. This Section 73 application seeks minor amendments to conditions 4, 10, 11, 14, 16, 17, 18, 19, 31 32, 35 and 37 of the approved consent.

The purpose of this cover letter is to explain the proposed amendments and set out the suggested amended wording for the revised conditions.

Overview

This Section 73 application has been subject to detailed discussions with North Hertfordshire District Council (NHDC) as the relevant local planning authority and Hertfordshire County Council as the relevant Highway Authority.

The requirement for a submission of a Section 73 application relates primarily to a relocation of the emergency access on Arlesey Road to approximately 15 metres to the south of its approved location under the original Outline Consent.

This application also proposes a minor change to the approved Developable Areas Plan, to ensure improved alignment with residential garden boundaries.

The application also proposes to amend conditions 35 and 37 to remove the requirement for a 10 metre buffer to be provided to the River Oughton. It is still proposed to provide a 10 metre buffer to the River Oughton along the substantial majority of river frontage within the development. It is proposed, however that the four storey apartment building and substation towards the east of the site are located closer to the river. The footprint of the apartment building within 10 metres of the river results from Urban Design advice provided by NHDC officers, who requested that the building be extended in length to reflect the proportions of the existing Mill Building to be demolished. The location of the substation enables it to be discretely accommodated, reducing its prominence within the public realm. Both are positive design-led responses to the site. The proposals have been subject to an updated Preliminary Ecological Appraisal, prepared by MKA Ecology to ensure the protection of Otters and Water Voles.

The application includes a minor change to the wording of a number of the conditions to ensure that each condition is achievable and reasonable having regard to the need to build the site out on a plot-by-plot basis.

A separate Non- Material Amendment (NMA) application on the site is at a very advanced stage and it is currently pending determination under reference number 25/02832/NMA. The NMA proposes some minor amendments to the existing conditions in order to facilitate early demolition of buildings on the site, which is required for health and safety reasons. Concurrently with this Section 73 application, Hill Residential have also submitted a separate reserved matters application for the erection of 55 dwellings on the site.

This Section 73 application seeks permission for the amendments to the following conditions:

- Amendment to condition 4 (Developable Areas Plan) to facilitate minor adjustments to the Developable Areas Plan along the northern boundary of the site.
- Amendment to Condition 10 (Access Design Width) to amend trigger point to prior to occupation
- Amendment to Condition 11 (Pedestrian and Bus Stop Improvements) to amend trigger point for completion of works and to amend approved plan in line with updated proposals
- Amendment to Condition 14 (Provision of Zebra Crossing) to update plan reference number having regard to amendments to emergency site access and off- site highway works.
- Amendment to condition 16 (EV Charging) to allow for a plot by plot build out of the development
- Amendment to condition 17 (Cycle Parking Provision) to allow for a phased build out of the development
- Amendment to condition 18 (Travel Plan Statement) to provide flexibility on trigger point for completion of the Travel Plan. The condition will still be discharged prior to first occupation of the development.
- Amendment to Condition 19 (Emergency Access) to facilitate amendment to location of the approved emergency access
- Amendment to Condition 31 (Waste Storage Facilities) to allow plot by plot build out of the development
- Amendment to Condition 32 (Recycling Storage Facilities) to allow plot by plot build out of the development.
- Amendment to Condition 35- Minor amendment to wording of the condition to provide additional flexibility in terms of buffer to the River Oughton
- Amendment to Condition 37- Amendment to condition wording to provide flexibility on the buffer to the River Oughton

This Section 73 application is accompanied by the following updated documents and plans:

1. Developable Area Plan 185-LP-001, Rev C, prepared by Hill, which supersedes Developable Area Plan reference P4048 SPA XX ZZ DR A 10 001 Rev A, approved as part of the original Outline Application
2. Off- Site Highway Works Note, prepared by KMC Transport Planning
3. Proposed Highway Improvements drawing KMC25232/002, prepared by KMC Transport Planning, which supersedes drawing Proposed Means of Access, E3631/700/E as approved as part of the Outline Application
4. Preliminary Ecological Appraisal and Preliminary Roost Assessment, prepared by MKA Ecology

The suggested amendment to the wording for each condition is set out as follows:

Condition 4: Developable Areas Plan

Condition 4 of the approved consent requires that new buildings shall be situated within the Developable Areas only as shown on the Developable Areas Plan reference P4048 SPA XX ZZ DR A 10 001. The proposed layout of the development, as shown on layout plans submitted with the reserved matters application broadly align with the Developable Area Plan as approved and the proposed new dwellings are all situated inside of the developable area's boundary.

The approved Developable Areas Plan as approved, includes some sections of narrow green space areas to the rear of dwellings, along the northern boundary of the site. These areas if situated outside of residential garden boundaries, will be very difficult to maintain and will be areas of space that will be poorly overlooked, with no positive amenity value. It is therefore proposed to make minor adjustment to the Developable Areas Plan, with minor adjustment to the Developable Areas, so that these narrow spaces are situated within gardens of residential dwellings. Providing this space within the garden of dwellings will ensure suitable management of the space and this amendment is considered to be beneficial in urban design terms having regard to the requirements of Policy SP9 of the Adopted Local Plan (2022). The proposed change to the Developable Areas Plan, is shown on drawing number 185-LP-001, Rev C prepared by Hill.

It is therefore proposed to amend the wording for condition 4 as follows, with the amendments showed in bold:

*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

As currently worded, Condition 10 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 in itself result in the commencement of development. Requiring the provision of the access prior to first occupation is considered to be an appropriate trigger point and it would comply with the relevant tests for imposition of planning conditions as set out in paragraph 57 of the NPPF. The following wording is proposed:

10. Prior to ~~occupation 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.

Condition 11: Pedestrian Connections and Bus Stop Improvements

The current wording of condition 11 is unclear as to the extent of the footways required. It will not be practical for Hill to complete the full extent of the footways on the site, which will be undertaken on a phased basis as the development commences. The condition appears to require the provision for the off- site footpath improvements and therefore the condition has been re- worded to reflect this position. In this regard, the amendment to the location of the emergency access to the south, has assisted with facilitating space for an uncontrolled pedestrian crossing over Arlesey Road. This is shown on drawing number KMC25232/002. The following wording is proposed:

11. Prior to first occupation of the development, ~~the proposed~~ system of footways **shown on 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.

Condition 14: Provision of Zebra Crossing

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.

The following wording is proposed:

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

As currently worded the condition appears to require 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 plot by plot basis and the site will be gradually occupied. A minor change of wording is therefore proposed to ensure that the condition relates to each individual plot:

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

Condition 17: Cycle Parking Provision

Similar to condition 16, condition 17 relates to cycle parking provision and the existing wording suggests that all cycle parking should be implemented prior to the development being brought into first use. This is not practical or achievable on the basis that dwellings will be built on a plot by plot basis and the site gradually occupied. A minor change of the wording is therefore proposed to ensure that the condition relates to each individual dwelling:

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 ~~fully~~ implemented **in relation to each dwelling** before the ~~dwelling development~~ is first occupied or brought into use and thereafter retained for this purpose.

Condition 18: Travel Plan Statement

Condition 18 requires that a travel plan statement is submitted 3 months prior the first occupation. It does not appear to provide any flexibility to submit a Travel Plan more or less than 3 months before the development is first occupied. It is difficult to provide an exact date for first occupation and therefore a minor change proposed due to difficulty predicting exact occupation date.

~~18. 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.

Condition 19: Emergency Access Control Measures

As set out at the start of this letter, the primary reason for the submission of the Section 73 application is to facilitate the relocation of the emergency vehicular access approximately 15 metres to the south from its current location as approved under the original Outline Consent.

As detailed within the Off- Site Highway Works Note, prepared by KMC Transport Planning, the relocation of the emergency access is required to provide a more appropriate street layout within the site and to facilitate space for a pedestrian crossing on Arlesey Road. In this regard, the amendments to the emergency access location, should be viewed in conjunction with the layout plans submitted as part of the reserved matters application.

The relocation of the emergency access to the south, has facilitated sufficient space to provide two semi-detached dwellings fronting onto Arlesey Road. This provides active street frontage at an important visual part of the development, where the new development integrates with the existing village of Ickleford. It has also provided the opportunity to create space for the delivery of a four storey apartment building on the south side of the emergency access road, that has sought to respond to the character of the existing Mill building on the site.

As shown on the Proposed Highway Improvements Plan KMC25231/002, Prepared by KMC Transport Planning, it is proposed to have a 2 metre wide footway to the north of the new access, which has also created space for a proposed uncontrolled pedestrian crossing over Arlesey Road. 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. The proposed access is considered to promote good design, having regard to the requirements of policy SP9 of the Adopted North Hertfordshire Local Plan (2022), in that it promotes both active street frontage and good connectivity for cyclists and pedestrians.

The proposed amendment to the condition wording is as follows:

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

Similar to conditions 16 and 17, a minor change is required to condition 31 to enable the site to be built out and sold on a plot by plot basis. The following wording is proposed:

*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** commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.*

Condition 32: Recycling Storage Facilities

Similar to conditions 16 and 17 and 31, a minor change is required to condition 32 to enable the site to be built out and sold on a plot by plot basis. The following wording is proposed:

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 commencement of the use** 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

Condition 35 requires the development to be carried out in complete accordance with the recommendations contained within the Badger and Otter Report dated 2022. The Badger and Otter Report sets out a recommendation for a 10 metre buffer to be maintained to the River Oughton. As explained at the beginning of this letter, the vast majority of the development maintains the 10 metre buffer to the River Oughton. As a result of collaborative and positive design and layout discussions, the 4 storey apartment building near the entrance to the site and the sub- station are less than 10 metres from the river.

This change has enabled the apartment building to be designed in order to reflect the proportions and character of the existing Mill building to be demolished. It has also facilitated the sub- station being situated to the north of the river and outside of the Green Belt land to the south.

It is recommended that Condition 35 is amended as follows:

*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

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.

It is therefore proposed to amend the wording of the condition as follows:

*The reserved matters submission shall include an undeveloped ~~40~~ 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.***

Summary

The proposed amendment to the location of the emergency access and the proposed minor amendment to the Developable Areas Plan, are both required in order to make positive design changes to the scheme, which is considered to fully align with the policy requirements of Policy SP9 of the Adopted Local Plan (2022). The proposed minor changes to the condition wording are minor in nature and will not materially impact upon the approved

scheme. They are required in order for the conditions to comply with the tests of planning conditions as set out in paragraph 57 of the NPPF.

It is therefore considered that there is strong planning policy support for the proposed Section 73 application. Early approval of this Section 73 application will facilitate the approval of the reserved matters application, which is being submitted concurrently with this application. This in turn will enable the delivery of much needed market and affordable housing on a brownfield site, in a very sustainable location to meet the acute housing needs within the area.

I hope this letter provides sufficient information for you to determine this application.

Yours sincerely



Jack Millar

Associate

Mobile: 