

<u>Location:</u>	Land Between Royston Road And Cambridge Road Barkway Hertfordshire
<u>Applicant:</u>	Mr Glass
<u>Proposal:</u>	Variation of wording to Condition 3 and Condition 20 of planning permission 18/01502/OP granted on 25.07.2023.
<u>Ref. No:</u>	24/01994/S73
<u>Officer:</u>	Ben Glover

Date of expiry of statutory period: 06/12/2024

Extension of statutory period: 20/06/2025

Reason for Delay: Discussions with the applicant and a lack of a legal agreement that would enable to carrying over of agreed developer contributions secured within the outline permission (18/01502/OP).

Reason for Referral to Committee: The site area at 7.3 ha is greater than 0.5 ha and as the proposal is for residential development, in accordance with the Council's constitution the application is being presented to Planning Control Committee for determination.

Relevant History

- 1.1. 18/01502/OP - Outline application with all matters reserved other than strategic point of access onto Royston Road and Cambridge Road for the erection of up to 140 dwellings and a new shop – Granted Conditional Permission on 25/07/2023.
- 1.2. 24/01883/RM - Application for the approval of reserved matters comprising: details of the siting, design and external appearance of the development, and the landscaping of the site in respect of the approved outline planning permission ref: 18/01502/OP for the development of 140 dwellings and a new shop on the land between Royston Road and Cambridge Road, Barkway – Under Consideration at the time of writing this report.
- 1.3. 24/02396/DOC - Details reserved by Condition 19 (Construction Traffic Management Plan) of outline permission application reference 18/01502/OP granted on 25.07.2023 – Approved on 27/01/2025.
- 1.4. 24/02595/DOC - Details reserved by condition 10 Part A (Archaeology) of planning permission reference no 18/01502/OP granted 25.07.2023 – Approved on 12/02/2025.

- 1.5. 24/02408/DOC - Details reserved by Condition 17 (Local Transport Plan) of outline permission application reference 18/01502/OP granted on 25.07.2023 – Approved on 12.02/2025.
- 1.6. 24/02835/DOC - Details reserved by Condition 16 (Reinstatement of verge/footway) of outline planning permission 18/01502/OP granted on 23.02.2023 – Under consideration at the time of writing this report.
- 1.7. 24/02858/DOC - Details reserved by condition 25 (Fire Hydrants) of outline permission reference no18/01502/OP granted 25.07.2023 – Refused on 12/03/2025.
- 1.8. 25/00103/DOC - Details reserved by condition 24 (Phasing Plan) of outline permission reference 18/01502/OP granted 25.07.2023 – Approved on 10/03/2025.
- 1.9. 25/00636/NMA - Vary condition 25 (fire hydrants) to allow for commencement up to slab level before a scheme is agreed (as non-material amendment to outline planning permission 18/01502/OP granted on 25.07.2023) – NMA agreed on 30/06/2025.

2. Policies

2.1. National Planning Policy Framework (2024)

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 6: Building a strong, competitive economy
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

2.2. North Hertfordshire District Council Local Plan (2011-2031)

Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement hierarchy
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 HS1: Local housing allocations
Policy HS2: Affordable housing
Policy HS3: Housing mix
Policy D1: Sustainable design
Policy D3: Protecting living conditions
Policy D4: Air quality
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 NE11: Contaminated Land
Policy HE4: Archaeology

2.3. Barkway and Nuthampstead Neighbourhood Plan (Referendum passed in favour of the Neighbourhood Plan on the 1st May 2025)

Policy BN H1 Affordable Housing
Policy BN H2 Design and Layout
Policy BN H3 Sustainable Construction
Policy BN H4 Framework for BK3
Policy BN NE3 Conserve and Enhance Biodiversity
Policy BN NE4 Important Views
Policy BN HA2 Non-Designated Heritage Assets
Policy BN T1 Sustainable Transport Provision
Policy BN T2 Mitigating Traffic Impact
Policy BN T3 Public Rights of Way
Policy BN T4 Safe and Accessible Walking and Cycling Routes
Policy BN T5 Vehicle Parking in Residential Development

2.4. Other Planning Guidance and Documents

Vehicle Parking at New Development SPD
Planning Obligations SPD

3. Representations

3.1. Site Notice:

Start Date: 26/09/2024

Expiry Date: 19/10/2024

3.2. Press Notice:

Start Date: 26/09/2024

Expiry Date: 19/10/2024

3.3. Neighbouring Notifications:

Ten objections have been received and are summarised below:

- Removal of the condition would enable the updating of the application without referring to the original approval.
- Removal of Condition 3 would allow major changes to the outline permission.
- The removal of the condition would result in more flexibility and less planning control, which would be inappropriate.
- Concern that the upgrading of sewage works would no longer take place.

3.4. Consultees:

Barkway Parish Council – Objection. Available in full on the NHC website.

Cllr Ruth Brown – No response received.

Countryside Management Service – No response received.

HCC Growth & Infrastructure – No objection.

HCC Highways – No objection.

HCC Lead Local Flood Authority – No objection.

HCC Public Rights of Way – No response received.

NHC Conservation Officer – No comments.

NHC Housing Development Officer – No response received.

NHS Hertfordshire – No response received.

4. Planning Considerations

4.1. Site and Surroundings

- 4.1.1. The application site is 7.62 ha in size and is arable land situated between Royston Road and Cambridge Road with an existing bridleway running north / south through the site. The Chiltern Ridge runs east – west along the north site boundary with Newsells Estate lying to the north and the Cokenach Estate off to the north east.

4.2. The Proposal

- 4.2.1. The application proposes the variation of Condition 3 and Condition 20 of planning permission 18/01502/OP. The outline permission, to which this application relates, was an “*outline application with all matters reserved other than strategic point of access onto Royston Road and Cambridge Road for the erection of up to 140 dwellings and a new shop*”. This application was approved by Planning Control Committee on the 1st of December 2022, and the decision was issued on the 25th of July 2023.

Condition 3 of 18/01502/OP reads as follows:

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

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

Condition 20 of 18/01502/OP reads as follows:

- The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Ardent Consulting reference 163461-02a dated June 2018. The surface water drainage scheme should include;

1. Implementation of the appropriate drainage strategy based on infiltration into using appropriate above ground SuDS measures and indicated on Surface Water Drainage drawing.
2. Provision of storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

The mitigation measures shall be fully implemented prior to full site occupation and 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.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 4.2.2. At the time of submission, the applicant proposed the below wording as a variation to Condition 3 of 18/01502/OP.

“The development hereby permitted shall be carried out wholly in accordance with the Location Plan (dwg ref 1797-30-110), the Land Use Plan (dwg ref 1797-30-101E) and the Site Access Plans (dwg refs 163462-006A and 163462-007A) and broadly in accordance with the Proposed Access Arrangements Plan (dwg ref 163462-005A), the offsite highway works plans (dwg refs 163462-002A, 163462-004B and 163462-008), the Access and Movement Plan (dwg ref 1797- 30-103E), the Urban Design Parameter Plan (dwg ref 1797-30-104A), the Landscape Parameter Plan (dwg ref 1797-30-105A), the Illustrative Masterplan (dwg ref 1797-30-100G) and the Masterplan Summary Document (dated March 2022), together with the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.”

- 4.2.3. Following discussions with the applicant, it has been agreed between officers and the applicant that Condition 3 be amended to the following:

“The development hereby permitted shall be carried out wholly in accordance with the Location Plan (Plan No. 1797/30/110), Proposed Access – Royston Road (Plan No. 163462/006 Rev A), Proposed Access – Cambridge Road (Plan No. 163462-007 Rev A), and the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

- 4.2.4. It is also considered necessary to include a new condition, Condition 4, which would read as follows:

“Concurrent with the submission of the first Reserved Matters application, and any subsequent Reserved Matter applications, a Masterplan Compliance Statement shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan Compliance Statement shall provide detailed explanation of how the proposal accords with the Masterplan Summary Report approved under application reference No. 18/01502/OP and dated March 2022, and plan numbers 1797/30/101

Rev E - Land Use Plan; 1797/30/103 Rev E - Access and Movement; 1797/30/104 Rev A - Urban Design Parameter Plan; and 1797/30/105 Rev A - Landscape Parameter Plan; 163462-002 Rev A – Alternative Royston Road Crossing Improvements (Option 2); 163462-003 Re B – Cambridge Road Potential Gateway Feature and Foot/Cycleway Extension; 163462-008 – Indicative Pedestrian Improvements Plan; 1797/30/100 Rev G – Illustrative Masterplan; 1797/30/104 Rev A – Urban Design Parameter Plan. Where the proposal does not accord with a specific principle or parameter within the approved Masterplan, the Masterplan Compliance Statement must provide clear and robust justification for each departure.

Reason: To ensure that the development as envisaged by the outline application is satisfactorily implemented in accordance with Policy SP9 of the North Hertfordshire Local Plan.”

- 4.2.5. Condition 20, which would now become Condition 21 following the insertion of Condition 4, would read as follows:

“Notwithstanding the surface water drainage strategy set out within the approved Flood Risk Assessment (Ardent Consulting, reference 163461-02a dated June 2018), prior to commencement of development a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall include:

- 1. Implementation of the appropriate drainage strategy based on infiltration into using appropriate above ground SuDS measures; and*
 - 2. Provision of storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.*
- The surface water drainage scheme shall be fully implemented prior to full site occupation and 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.*

Reason: To reduce the risk of flooding to the proposed development and future occupants.”

- 4.2.6. The applicant has at the time of writing this report, lodged an appeal against non-determination of the S73 application. The appeal was lodged on the 6th of August 2025. The Council as Local Planning Authority is therefore not the determining authority currently, and the power to determine the application now lies with the Planning Inspectorate. This report sets out how the application would have been recommended at the time the appeal was lodged with the inspectorate. It should be noted that were the appellant to withdraw the appeal the power to determine this application would revert to this council.

4.3. **Assessment**

Variation of Condition 3:

- 4.3.1. Alongside the application, the applicant submitted a cover letter that set out the reasoning for the submission of the S73 application and the wording suggested to vary Condition 3. The applicants reasoning is set out below:

“As part of the pre-application process it has become apparent that the part of Condition 3 requiring the development to be ‘carried out wholly in accordance with the details specified in the [outline] application and supporting, approved documents and

plans...’ is unduly restrictive. There are a number of elements shown in the outline application documents and plans that are no longer feasible or desirable to carry forward, such as the location of the attenuation features and the play area.

There are a number of elements of the outline application that it is important to ensure that the reserved matters application and subsequent development to accord with, such as the overall design philosophy and the size and distribution of land uses. It is considered that this would be appropriately secured via a very minor change to the wording of the condition”.

- 4.3.2. It was agreed that the condition attached to the original permission was unreasonably restrictive in the scope of an outline planning application and should be considered to be varied. It is also material that updated studies required to discharge other conditions attached to the outline planning permission created a conflict with Condition 3, in particular regards to flooding.
- 4.3.3. The suggested wording presented by the applicant was deemed inappropriate due to the use of the term ‘*broadly in accordance with*’. This term is difficult to define and was not supported in discussions with Officers. The now re-worded conditions has removed this term and now requires that the development be carried out ‘*wholly in accordance with*’ the documents that are required to be implemented wholly in accordance with, such as the location plan and technical access plans.
- 4.3.4. The purpose of the new Masterplan Compliance Statement condition (Condition 4) would allow the Local Planning Authority to retain control of future submissions and ensure that the development envisaged by the approved outline planning application and associated Masterplan is satisfactorily implemented.

Variation of Condition 20:

- 4.3.5. The applicant has provided a rationale for the variation of Condition 20 of the outline permission in a cover letter dated 23rd of May 2025.
- 4.3.6. The cover letter set out that the surface water drainage strategy approved by the outline permission would be difficult to implement and a more preferable solution had been identified following further investigation of the site.
- 4.3.7. Following consultation with the Lead Local Flood Authority, no objection was raised to the variation of the condition, which would still require the submission of a detailed surface water drainage scheme to the Local Planning Authority. There is no objection to the variation of Condition 20, which would not become Condition 21.

Infrastructure Contributions:

- 4.3.8. The outline permission was granted subject to the completion of a S106 legal agreement however, the legal agreement lacked any mechanism of securing the agreed contributions to any subsequent applications, such as the S73 under consideration.
- 4.3.9. The purpose of a S73 application it to vary or remove conditions on an existing planning permission, in this case the outline permission. Crucially, when a S73 is granted, it does not amend the original permission, it instead results in the grant of a new and independent planning permission that stands alongside the original permission. An applicant will have the option of implementing the original permission or the S73

permission For this reason, a mechanism is required to secure the infrastructure contributions approved as part of the outline permission. These contributions are listed below:

1. Community hall contribution - £507,078.66 (index linked).
2. Libraries contribution – £12,898 (index linked).
3. Middle Education contribution - £697,297 (index linked).
4. Monitoring contribution - £1,020 (index linked).
5. SEND contribution - £146,712 (index linked).
6. Sustainable Transport contribution - £139,250 (index linked).
7. Travel Plan Evaluation and Support Contribution - £6,000 (index linked).
8. Upper Education contribution - £625,396 (index linked).
9. Waste Collection and Recycling contribution – £9,940 (index linked).
10. Youth contribution - £34,312 (index linked).
11. Indicative Affordable Housing:
 - a. Affordable Rented Units:
 - i. 6 x 1 bedroom flats
 - ii. 2 x 1 bedroom bungalow M4(3) standard
 - iii. 4 x 2 bed flats
 - iv. 1 x 2 bed bungalow M4(3) standard
 - v. 10 x 2 bed houses
 - vi. 2 x 3 bed bungalow M4(3) standard
 - vii. 9 x 3 bed houses
 - viii. 2 x 4 bed houses
 - b. Other tenures
 - i. 2 x 1 bed flats
 - ii. 1 x 2 bed bungalow
 - iii. 6 x 2 bed houses
 - iv. 9 x 3 bed houses
 - v. 2 x 4 bed houses

4.3.10. As indicated previously, this application is currently subject to appeal against the failure to determine the application within the prescribed period. Therefore, the Local Planning Authority is not the determining authority, and this responsibility lies with the Planning Inspectorate. However, it is necessary to consider what the decision would have been had this Council retained the power to determine the application for the purpose of the appeal. In addition, were the applicant to withdraw the appeal, the power to determine this application would revert to this Council. The recommendation of this report is determined as of the day the appeal was submitted. At the time of the submission of the appeal no legal mechanism was available to secure infrastructure contributions required to make the development acceptable in planning terms.

4.3.11. A Deed of Variation (DoV) is currently being negotiated to secure S106 obligations to this and any subsequent S73 application. Should the DoV be agreed, the recommendation of this report would change to a recommendation for approval subject to the legal agreement and conditions. However, without a legal agreement in place and the lack of ability to secure previously agreed contributions, the recommendation of this report is for refusal.

Other Changes:

4.3.12. Following the submission and approval of several Approval (Discharge) of Condition applications relating to the outline permission, several conditions have been reworded to become compliance conditions rather than pre-commencement conditions. The amended conditions (not including those listed above) are as follows:

- Condition 10 – Archaeology
- Condition 17 – Local Transport Plan
- Condition 19 – Construction Traffic Management Plan
- Condition 24 – Phasing Plan

4.3.13. Condition 25 (fire hydrants) of the outline permission has also been amended following a non-material amendment application, which was agreed on the 30th of June 2025.

4.3.14. A full list of conditions is attached in the appendix of this report.

Conclusion:

4.3.15. The application seeks to vary the wording of Condition 3 and 20 of outline planning permission 18/01502/OP granted on the 25th of July 2023. Following negotiations and discussions with the applicant, the wording originally proposed to Condition 3 has been agreed between parties as set out in the report above. Subsequently, the need for the addition of a new Masterplan Compliance condition (Condition 4) has been agreed to be included securing the vision of the original masterplan and outline application, whilst also allowing for deviation where it is justified. The variation of Condition 20 has been agreed by the Lead Local Flood Authority. There is no objection to the variation of Condition 3, Condition 20, and the addition of Condition 4 (Masterplan Compliance Statement).

4.3.16. However, due to the lack of a secured legal agreement at the time the appeal was lodged, the recommendation is for refusal in the absence of a legal agreement that would secure the obligations previously secured under the outline application.

4.3.17. The Local Planning Authority is not, at the time of writing, the determining authority. This responsibility currently lies with the Planning Inspectorate. The recommendation to refuse the application is what would have been recommended at the time the appeal was lodged. Should the appeal be withdrawn between the publishing of this report and presentation to Planning Control Committee and the Council become the determining authority once again, given the lack of objection to the variations proposed, the recommendation would be for approval of the S73 application subject to the agreement of a satisfactory Deed of Variation and the recommended conditions included in the appendix of this report.

5. Legal Implications

5.1. 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 where restrictive conditions are attached, the applicant has a right of appeal against the decision.

6. Recommendation:

6.1. That planning control committee delegate to officers to submit a statement of case that planning permission would have been refused on the date that the appeal was submitted (lodged on the 06/08/2025) for the following reason:

1. The proposed development is unacceptable due to the absence of a legal agreement that would secure the planning obligations that formed part of the approved outline permission (18/01502/OP). The obligations are required to make the development acceptable in planning terms, the absence of these contributions would result in conflict with the North Hertfordshire Local Plan (2011-2031) including Policies SP7 (Infrastructure Requirements and Development Contributions), HS2 (Affordable Housing) and T1 (Assessment of Transport Matters) and the National Planning Policy Framework (2024).

7. Appendix:

List of Conditions:

Should the appeal be withdrawn by the applicant and the recommendation changed to one for approval, below is the list of conditions that would form part of the decision notice:

1. Before the development hereby permitted is commenced, approval of the details of the siting, design and external appearance of the development, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the grant of planning application 18/01502/OP, and the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

3. The development hereby permitted shall be carried out wholly in accordance with the Location Plan (Plan No. 1797/30/110), Proposed Access – Royston Road (Plan No. 163462/006 Rev A), Proposed Access – Cambridge Road (Plan No. 163462-007 Rev A), and the reserved matters approved by the Local Planning Authority, or with minor modifications of those details or reserved matters which previously have been agreed in writing by the Local Planning Authority as being not materially different from those initially approved.

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

4. Concurrent with the submission of the first Reserved Matters application, and any subsequent Reserved Matter applications, a Masterplan Compliance Statement shall be submitted to and approved in writing by the Local Planning Authority. The Masterplan Compliance Statement shall provide detailed explanation of how the proposal accords with the Masterplan Summary Report approved under application reference No. 18/01502/OP and dated March 2022, and plan numbers 1797/30/101 Rev E - Land Use Plan; 1797/30/103 Rev E - Access and Movement; 1797/30/104 Rev A - Urban Design Parameter Plan; and 1797/30/105 Rev A - Landscape Parameter Plan; 163462-002 Rev A – Alternative Royston Road Crossing Improvements (Option 2); 163462-003 Rev B – Cambridge Road Potential Gateway Feature and Foot/Cycleway Extension; 163462-008 – Indicative Pedestrian Improvements Plan; 1797/30/100 Rev G – Illustrative Masterplan; 1797/30/104 Rev A – Urban Design Parameter Plan. Where the proposal does not accord with a specific principle or parameter within the approved Masterplan, the Masterplan Compliance Statement must provide clear and robust justification for each departure.

Reason: To ensure that the development as envisaged by the outline application is satisfactorily implemented in accordance with Policy SP9 of the North Hertfordshire Local Plan.

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 landscaping proposed
 - d) details of any earthworks and / or levels changes;

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

6. None of the trees or hedges to be 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.

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

7. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of 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 all engineering and building 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.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Classes A, B, C and E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

9. Prior to occupation, each dwelling shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

10. No development shall be commenced until confirmation has been provided that either:- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

11. A) The development hereby approved shall be carried out in accordance with the Archaeological Method Statement and Specification for Archaeological Works Document approved under application reference number 24/02595/DOC unless otherwise agreed in writing by the local planning authority.

B) The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (A)

C) The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under

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

Reason - to protect the historic environment.

12. Prior to the first occupation of the development hereby permitted the access and principal access road offset from the Royston Road (west access) shall be provided 6.0 metres wide complete with 10 radius kerbs and 2.0 m footway extended around the radii onto Royston Road, thereafter the accesses roads and footways shall be retained at the position shown on the approved 'proposed access Royston Road' plan number 163462-006 revision A

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

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

13. Prior to the first occupation of the development hereby permitted the access and principal access road offset from the Cambridge Road (east access) shall be provided 6.0 metres wide complete with 12 radius kerbs and 2.0 m footway extended around the radii and along Cambridge Road, thereafter the accesses roads and footways shall be retained at the position shown on the approved site layout plan number 163462-007 revision A in conjunction with footway connections and associated works shown on drawing number 163462-004 revision B and the Royston Road Crossing junction improvements identified on drawing number 163462-002 revision A.

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

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

14. Prior to occupation a system of footways shall be provided to connect the new development with the existing bus stops in Royston Road as part of the application. These will need to be connected to the development's footpaths and easy access kerbs and shelters should be provided as appropriate. The exact location and accommodating works will need to be agreed in conjunction with appropriate parties. These works shall be secured and undertaken as part of the s278 access works.

Reason: In order to meet accessibility requirements for passenger services for the development in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

15. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 70 metres to both directions along the Royston Road shall be provided to each side of the access where it meets the highway as identified on the approved proposed access Royston Road' plan number 163462-006 revision A and such splays shall always thereafter be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

16. Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 90 metres to the south westerly direction and 2.4 metres x 215 metres to the north easterly direction shall be provided along the Cambridge Road to each side of the access where it meets the highway as identified on the approved proposed access Cambridge Road plan number 163462-007 revision A and such splays shall always thereafter be maintained free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan

17. Prior to the commencement of development details of the redundant points of access to the site from Cambridge Road and Royston Road and reinstatement of the verge or/and footways where relevant shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and permanently retained.

Reason: To provide safe and accessible linkages for pedestrians and cyclists and to confine vehicle movements to the permitted points of access in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

18. The development hereby approved shall be carried out in accordance with the Local Transport Plan documents approved under application reference number 24/02408/DOC unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

19. The gradient of the access roads shall not exceed 1:20 as measured from the existing carriageway.

Reason: To ensure satisfactory access into the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

20. The development hereby approved shall be carried out in accordance with the Construction Management Plan approved under application reference number 24/02396/DOC unless otherwise agreed in writing by the local planning authority.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan

21. Notwithstanding the surface water drainage strategy set out within the approved Flood Risk Assessment (Ardent Consulting, reference 163461-02a dated June 2018), prior to commencement of development a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall include:

1. Implementation of the appropriate drainage strategy based on infiltration into using appropriate above ground SuDS measures; and
2. Provision of storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.

The surface water drainage scheme shall be fully implemented prior to full site occupation and 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.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

22. Before each phase of development approved by this planning permission no development of that phase shall take place until the final design of the 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 Ardent Consulting reference 163461-02a dated June 2018.

The scheme shall also include;

1. Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. 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.
2. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event for the whole site.
3. All calculations/modelling and drain down times for all storage features.
4. Confirmation of which SuDS features will be infiltrating and specific infiltration rates for each feature.
5. Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
6. Silt traps for protection for any residual tanked elements.

7. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.

8. Details of final exceedance routes, including those for an event which exceeds to 1:100 + climate change rainfall event.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

23. Upon completion of the drainage works for each phase in accordance with the timing / phasing, 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 plan shall include;

1. Provision of complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

24. Despite the provisions of the Use Classes Order 2020 the 'shop use' hereby permitted shall be used for convenience type shopping and for no other use within the E class category unless planning permission for a change of use is first obtained from the LPA.

Reason - it is a requirement of the BK3 Local Plan policy that a 'shop' is provided within the BK3 allocation area.

25. The development hereby approved shall be carried out in accordance with the Phasing Plan approved under application reference number 25/00103/DOC unless otherwise agreed in writing by the local planning authority.

Reasons: To ensure the proper planning and phasing of the development in the interest of good planning and implementation and to ensure the delivery of the convenience store in a timely manner in relation to the wider housing development in accordance with the terms of Policy SP9 of the Emerging North Hertfordshire Local Plan (2011-2031).

26. Prior to above slab level of the first phase of the development, a scheme for the provision of fire hydrants serving the whole development is to be submitted to and approved in writing by the Local Planning Authority and the scheme is to be implemented prior to the first occupation of the first dwelling in each phase of the development in accordance with the agreed details.

Reason: Fire hydrants are a requirement for the development.