

DELEGATED FILE NOTE

CASE OFFICER: ...Anne McDonald.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01356/S73	Variation of Condition 15 (Ecology enhancement scheme wording) of Section 73 application reference 25/02335/S73 granted on 21.11.2025.	Former Land At Turnpike Lane And Adjacent To 4 Manor Close Turnpike Lane Ickleford Hertfordshire

Submitted Plan Nos

Location Plan TROY2469311A TROY24693_67

1.0 Policies

D1 Sustainable design

D3	Protecting living conditions
HE1	Designated heritage assets
NE4	Biodiversity and geological sites
NE10	Water conservation and wastewater infras
NE12	Renewable and low carbon energy devpment
NP4	Ickleford NP
SECN4	Achieving sustainable development
T2	Parking

2.0 **Site History**

- 2.1 18/02785/FP - proposed 7 dwellings on the site and was withdrawn.
- 2.2 20/00891/FP proposed 5 dwellings with a new access spur road off Lodge Court with parking, landscaping, formation of a pedestrian footpath and communal open space. This application was refused at Planning Control Committee and allowed at appeal.
- 2.3 21/03464/S73 was submitted to vary conditions 2, 6, 8, 9 and 10 imposed on the appeal decision for application 20/00891/FP and was granted conditional permission.
- 2.4 22/01448/FP proposed 5 dwellings and was granted planning permission in October 2022.
- 2.5 22/03105/S73 sought to vary condition 2 imposed on application 22/01448/FP and was granted planning permission.

- 2.6 Applications to agree details for conditions imposed on planning permission 22/01448/FP have been submitted and agreed. These are:
- 23/00735/DOC for condition 6 landscaping;
 - 23/00736/DOC for condition 11 Construction Traffic Management Plan;
 - 23/00737/Doc for condition 13c archaeology; and
 - 23/00738/DOC for condition 14 ecology.
- 2.7 23/02650/FP – Erection of 8 dwellings comprising 3 pairs of semi-detached dwellings (6 x 3-bed) and two detached 4-bed dwellings including integral garages (plots 1 and 8) with a new access spur from Lodge Court, on-site parking and landscaping. Conditional permission.
- 2.8 24/01031/S73 – Variation of condition 2 of 23/02650/FP granted 16/02/24 for the erection of 8 dwellings comprising of 3 pairs or semi-detached dwellings (6 x 3-bed) and two detached 4-b3ed dwellings including integral garages (plots 1 and 8) with a new access spur from Lodge Court, on-site parking and landscaping. Conditional permission.
- 2.9 24/02563/S73 - Variation of condition 2 (revised plans) of planning permission 24/01031/S73 granted for erection of eight dwellings comprising of 3 pairs of semi-detached dwellings (6 x 3-bed) and two detached 4-bed dwellings including integral garages (plots 1 and 8) with a new access spur from the Lodge Court, on-site parking, landscaping. Conditional permission.
- 2.10 25/02335/S73 - Change to wording of conditions 2, 12 and 15 of planning permission reference 24/02563/S73 granted 10.01.2025 for Variation of condition 2 (revised plans) of planning permission 24/01031/S73 granted for erection of eight dwellings comprising of 3 pairs of semi-detached dwellings (6 x 3-bed) and two detached 4-bed dwellings including integral garages (plots 1 and 8) with a new access spur from the Lodge Court, on-site parking, landscaping. Conditional permission.
- 2.11 Many DOC applications have been submitted. Of relevance is:
- 24/02669/DOC which was submitted to agree the ecology condition imposed on 24/01031/S73 and 25/02335/S73.
- 2.12 Condition 15 imposed on the decision notice for application 25/02335/S73 states:
- “The ecology measures to be implemented on site prior to the first occupation of the development hereby approved shall be in accordance with the scheme of measures approved under application 24/02669/DOC.*

Reason: To protect bio-diversity on the site in accordance with LP Policy NE4”.

3.0 **Representations**

3.1 **HCC Archaeology** – no comment.

3.2 **HCC highways Authority** – no comment.

3.3 **NHDC Senior Ecologist** – raises concern to the proposed use of external bird boxes being added to the frontage of two plots only and that these could be removed by future home owners.

- 3.4 **NHDC Tree Officer** – no information on how the bird and bat boxes are to be attached to the trees has been provided. Installation should make allowance for tree stem expansion and should not constrict growth.
- 3.5 **NHDC Environmental Health** – no objection.
- 3.6 **Cllr Peace** – objects to the application. Local residential objected to the application due to the loss of wildlife and this condition should be complied with.
- 3.7 The application was advertised with a site notice and 73 neighbour notification letters. In addition to comments received from Cllr Peach, three further objections have been received. Key points raised include:
1. Swift bricks are preferable to external boxes. They look better and cannot be removed or dislodged.
 2. Swift bricks are cheap and easy to install.
 3. The developer did not engage with local wildlife groups during the construction phase.
 4. It is easy to retro fit swift bricks into external walls.
 5. The proposed Woodstone external boxes are not good quality as they do not contain an internal nest cup and the entrance hole is poorly located.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site is land on the south side of Turnpike Lane to the west of Lodge Court and Manor Close. The land, formerly, was part of the grounds of Ickleford Manor house which lies to the east of Lodge Court. The neighbouring buildings, Waltham Cottage and numbers 3 – 6 Lodge Court are all listed buildings and Waltham Cottage is within the Ickleford Conservation Area. The vehicle access for Lodge Court cuts through the northern part of this site, although this is set back from the road with a belt of mature trees between the access lane and Turnpike Lane itself which are covered by a blanket TPO, which also extends along Turnpike Lane to the west. The houses have now been built out and the development is complete and part occupied.

4.2 **Proposal**

- 4.2.1 This application is seeking to vary the ecology condition imposed on the decision. The covering letter submitted with the application set out:
1. Following the implementation of the Section 73 permission (ref: 25/02335/S73), the Applicant received a letter from Gail Aucott (a Planning Compliance Officer at North Herts Council) noting a report that not all the recommended biodiversity enhancements within the Ecological Enhancement Scheme as approved under ref: 24/02669/DOC may have been implemented.
 2. Following further dialogue between the Applicant and Gail Aucott, it was then suggested by Gail Aucott that a revised discharge of condition application (comprising an amended ecology scheme) should be submitted to regularise this matter. However, this was made with reference to earlier permission (ref: 24/01031/S73) where the wording of Condition 16 still permitted the submission of such details. Given the implementation of Section 73 permission (ref: 25/02335/S73) and the wording of the connected Condition 15, it is therefore

necessary to submit a revised Section 73 application to regularise the above matter

3. The main differences between the initially approved scheme of ecology measures and the proposed scheme of ecology measures under this Section 73 application can be summarised as follows:
 - A total of four bat boxes to be mounted to mature trees within the application site (as opposed to three bat tubes being installed within the gable end of the new dwellings, and one bat box on a suitable tree overlooking the rain garden area).
 - A total of seven bird boxes to be mounted to the residential dwellings or hung on trees within the application site (as opposed to seven bird boxes being installed within the masonry of the residential dwellings).
 - The installation of two insect boxes (as opposed to the use of bee brocks on plots 3, 5, 7 and 8).

4.3 Key Issues

- 4.3.1 Application 24/02669/DOC was submitted to agree the ecology measures imposed on this development. The later S73 application referred back to this DOC application with regards for the ecology measures and are therefore binding. For the consideration of the ecology condition, Troy Homes submitted an 'Ecological Enhancement Scheme' dated 08/04/25 and the details within this were agreed. With regards to bat and bird boxes, the report sets out at paragraphs 5.19 and 5.23:

"Bat boxes

5.19. A total of three bat tubes will be installed within the gable end of the new dwellings within the Approved Development Site to provide a net increase in bat roosting opportunities. It is recommended the following boxes are installed:

- 3 x 2FR Schwegler Bat Tube (or similar and approved) will be installed within the masonry of external walls of proposed dwellings to enhance the value of the site for roosting bats. These bat boxes will be installed on Plot 8, 7 and 2 facing south-east and west respectively.*
- 1x Vincent Pro Bat Box (or similar and approved) will be installed on a suitable tree overlooking the Rain Garden area facing south-east and west respectively.*

Bat boxes should be installed at a minimum height of 3m but preferable between 5 and 7m above ground, out of the prevailing weather and out of the reach of cats. The bat boxes must not be positioned over windows and doors, or in any area where light-spill will occur.

Bird boxes

5.23. A total of four will be installed within the masonry of new dwellings within the Approved Development Site. It is recommended the following boxes are installed:

- 5 x WoodStone build-in swift Apus nest boxes (or similar and approved) will be installed within the masonry of proposed dwellings as per the Enhancement Plan. These swift boxes will be installed on the side of plot 4 and the side of plot 1 facing north-west and east respectively. Swift provisions are to be installed under the eaves to provide shelter if there are overhanging eaves.*
- 2 x 2H Schwegler Robin Box (or similar and approved) will be hung on trees as per the Enhancement Plan. Robin box will be installed in the south-west of the site on a mature tree facing north-west, and*

another will be placed by a woodpile north of the site entrance road facing east . Robin box should be installed at a minimum height of 2m and out of reach of cats”.

4.3.2 The houses have been built without the integrated bat tubes and bird bricks / boxes. Submitted with this application drawing no. TROY24693-11A shows:

- 5 external bird boxes are to be added to the development, with three on the frontage of plot 1 and two on the frontage of plot 6;
- 4 external bat boxes are to be added to trees within the frontage of the development;
- 2 bird boxes for robins are to be added to trees within the frontage of the development;
- 2 inset boxes and 1 hedgehog house are proposed.

4.3.3 The NHDC Senior Ecologist raised concern to the proposal and stated:

- The loss of integrated bird, bat and bee bricks is disappointing but it is still acceptable to provide nesting / roosting opportunities across the site.
- The proposed bird boxes will present a hard appearance on the front of the development and where there is cladding.
- I am concerned that these will be removed by future home owners.

4.3.4 These concerns were forwarded to the planning agent on 31/07/26 and chased on 08/09/26. A reply was received on 09/09/26 stating they had been forwarded to the applicant for comment. No response has been received.

4.3.5 I am concerned that these alternative measures do not fully meet the requirements of Local Plan Policy NE4. Whilst the use of external boxes can be acceptable, I am concerned that they are grouped on only two of the houses. At the time of my site visit, some of the houses were occupied and it would appear that three boxes are proposed for plot 1 and two for plot 6 as these were the unoccupied plots at the time the application was submitted.

4.3.6 I share the concern of the ecology officer and local residents, that a group of bird boxes on the frontage of a house could result in future home owners removing them, as they may not wish for bird muck to land in their garden area or on their parked car below, or like the idea of birds flying to / from their home or want the future maintenance that goes along with such boxes or like the external visual appearance of what they look like when other homes in the development have none. There is no ability to ensure the protection of the bird boxes in the long term. As a result, it cannot be guaranteed that the development will appropriately protect, enhance and manage biodiversity.

4.3.7 When application 24/02669/DOC was considered, the developer set out in the submission how ecological enhancements would be delivered on site, and the LPA agreed these proposals. I am unclear why the developer would propose measures they were not willing to implement in the construction phase. However, this proposed alternative lacks long term viability and therefore does not meet the aims of Policy NE4 and the application is refused for this reason.

4.4 **Conclusion**

4.4.1 Refuse.

4.5 **Alternative Options**

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

4.6.1 None applicable.

5.0 **Recommendation**

5.1 That planning permission be **REFUSED** for the following reasons:

1. The proposed external swift bird boxes, with three positioned on plot 1 and two on plot 6, do not represent an acceptable long term alternative to providing integrated bird bricks across the development, as future home owners may remove the external bird boxes if they do not like the visual appearance of them, bird muck within their garden or want the long term maintenance of them. As a result, this application is considered to fail to comply with the aims of Local Plan Policy NE4 and fails to meet the aim of the NPPF, paragraph 17. c as this proposal does not achieve the sustainability environmental objective of improving biodiversity.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 18 September 2026	