

North Herts Council
Council Offices
Gernon Road
Letchworth Garden City
SG6 3JF

Ref: C24063/LH

Office: [REDACTED]

Mobile: [REDACTED]

Email: [REDACTED]

Date: 19/05/2026

Dear Sir/Madam,

Application Site: Land At Turnpike Lane And Adjacent To 4 Manor Close, Turnpike Lane, Ickleford, Hertfordshire, SG5 3UZ

Description: Section 73 application seeking to vary Condition 15 attached to extant planning permission ref: 25/02335/S73

Introduction

Phase 2 Planning has been instructed on behalf of the Applicant, Troy Homes Ltd, to submit this Section 73 application for the variation of Condition 15 attached to extant planning permission ref: 25/02335/S73, which granted full planning permission for the construction of 8 dwellings alongside associated development

This application submission comprises the following:

- Completed application form;
- Drawings listed in this letter; and
- This letter as description and justification of the proposals.

We set out the substance of this application below.

Site Description

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 land is fenced but is open paddock land in character. Under the provisions of the Local Plan 2011 – 2031 this land is now land within the settlement boundary for Ickleford.



Planning Background

Original Permission – Ref: 23/02650/FP

North Herts Council granted full planning permission for the construction of eight dwellings alongside associated development under ref: 23/02650/FP on 16th February 2024. The description of development reads as follows:

"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"

The formal submission was accompanied by an Ecology Report which incorporated a range of recommendations to improve the biodiversity of the application site. These biodiversity enhancements included:

- The installation of bird boxes for a variety of different species;
- The installation of bat tubes (into the gable ends of the new dwellings) or bat boxes;
- The provision of insect boxes, such as bee nesting boxes; and
- The formation of a 'hedgehog highway' across the site by interconnecting the garden areas/open areas with small passageways.

This translated into the imposition of Condition 16, associated with this permission, which reads that:

"Prior to the commencement of development the details of an ecology scheme are to be submitted to and approved in writing by the LPA and the agreed measures are to be implemented on site prior to the first occupation. The measure are to include:

- *the provision of bird bricks/boxes;*
- *the provision of bat tubes/boxes;*
- *insect and bee bricks/ habitats;*
- *the creation of a 'hedgehog highway' across the site;*
- *LED down lights not focused at any trees*

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

First Section 73 Permission – Ref 24/01031/S73

Subsequently, a Section 73 application was submitted under ref: 24/01031/S73 to vary the parent permission (ref: 23/02650/FP) by changing the footprint size, height and external design of the dwellings. Planning permission was granted with the Decision Notice being issued on 9th September 2024. Condition 16, requiring the submission of an ecology scheme, was included in this Decision Notice.

Discharge of Condition Application – Ref: 24/02669/DOC

Following the grant of the first Section 73 application, an application was submitted to discharge Condition 15 under ref: 24/02669/DOC. The discharge of condition application, accompanied by several reports/plans

(including an Ecological Enhancement Scheme, Lighting Design Layout and Lighting Specification) was approved on 8th May 2025.

Second Section 73 Permission – Ref 24/02563/S73

Afterwards, a Section 73 application was submitted under ref: 24/02563/S73 sought to retain the scheme approved under application 24/01031/S73, albeit with the proposed addition of a car port structure between the front boundary of plot 7 and the side boundary of plot 8 backing on to the southern boundary of the site. Planning permission was granted with the Decision Notice being issued on 10th January 2025.

The wording of Condition 16 was altered on this Decision Notice to require compliance with the approved discharge of condition application ref: 24/02669/DOC. It reads:

"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 unless otherwise agreed in writing

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

Third Section 73 Permission – Ref 25/02335/S73

This was followed by a Section 73 application that was submitted under ref: 25/02335/S73 to:

- Install air source heat pumps (ASHPs) for each dwelling;
- Make minor changes to the amount of external paving with certain residential plots;
- Make minor changes to the finished floor levels for Plots 7 and 8; and
- Determine sustainability measures ref. no. 25/01787/DOC

The same compliance condition was replicated on the Decision Notice that was issued on 21st November 2025, albeit with the condition number having changed to 15 (having previously been 16).

This Section 73 permission has been implemented by the Applicant.

Contextual Background

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.

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.

Proposal Description

Planning permission ref: 25/02335/S73 consents the following development description: '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''.

Condition 15 attached to planning permission ref: 25/02335/S73 requires the approved development to comply with the details of ecology measures approved under discharge of condition ref: 24/02669/DOC. This proposal seeks to vary Condition 15 by presenting an amended scheme of ecology measures, in tandem with altering the wording of Condition 15 to require compliance with the approved details under this Section 73 application.

It should be observed that the total quantum of residential development will remain unchanged. This means the development description is unaltered and thus falls within the scope of a Section 73 application.

This submission is accompanied by the submitted Application Form and this Covering Letter. It also comprises the following documents:

- Ecology Enhancement Scheme (ref: PRI24693_EES Rev B)
- Ecology Enhancement Plan V3 (ref: TROY24693_67)
- Landscape Proposals (ref: TROY24693 11A)

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise, such a Government Policy or emerging Local Policy.

The statutory development plan for this area comprises the North Hertfordshire Local Plan 2011 to 2031, which was adopted in November 2022. It will, hereafter, be referred to as the Adopted Local Plan. The most relevant policies of the Adopted Local Plan that are relevant to the determination of this Section 73 application are considered in the 'Main Planning Considerations' section of this Covering Letter.

The National Planning Policy Framework (NPPF) forms a material planning consideration in the determination of this planning application.

Main Planning Considerations

Principle of Development

This application is made under Section 73 (2) of the Town and Country Planning Act 1990 (As Amended) which states: *"On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted"*. In other words, the local planning

authority of concern – North Herts Council – should only consider the amendments sought by the Section 73 application.

In this instance, planning permission ref: 25/02335/S73 establishes the principle of development for the construction of 8 residential dwellings on the subject site. Only the changes sought by this Section 73 application, namely the amended ecology measures, are within the scope of consideration by the local planning authority.

Ecology

Policy NE4 states that all developments should achieve measurable net gains for biodiversity and contribute to ecology networks.

Chapter 5 of the submitted 'Ecology Enhancement Scheme' report confirms that the residential scheme will provide a range of ecology measures that comply with the requirements of the originally imposed Condition 16 (under refs: 23/02650/FP and 24/01031/S73). 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).

The 'Ecology Enhancement Plan' shows the position of these ecology measures across the application site, which is similarly detailed on the submitted 'Landscape Proposals' drawing.

It is considered that these ecological enhancements satisfy the requirements of the originally imposed Condition 16, promoting biodiversity in accordance with Policy NE4.

Other Matters

Paragraph 015: Reference ID: 17a-015-20140306 within the Planning Policy Guidance 'Flexible Options for Planning Permissions' makes clear that: *"Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted."*

A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect."

In this instance, the wording of Condition 15 currently requires compliance with the ecology measures approved under discharge of condition ref: 24/02669/DOC. It is requested that the wording of Condition 15 is altered to require compliance the ecology measures submitted under this Section 73 application.

Current wording of Condition 15 (under ref: 25/02335/S73)	Proposed wording of Condition 15
<i>"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</i> <i>Reason: To protect bio-diversity on the site in accordance with LP Policy NE4."</i>	<i>"The ecology measures, as set out in the Ecology Enhancement Scheme dated April 2026, shall be implemented in the development hereby approved.</i> <i>Reason: To protect bio-diversity on the site in accordance with LP Policy NE4."</i>

Otherwise, the remaining conditions imposed under planning application ref: 25/02335/S73 will be directly transferable to this Section 73 application

Conclusion

This Section 73 application clearly demonstrates that the proposed variation of Condition 15 under extant planning permission ref: 25/02335/S73 will not result in any adverse planning harms, having demonstrated its acceptability in respect to ecology matters.

Having regard to the above, this Section 73 planning application is considered acceptable in planning terms and thus there is a compelling case for the grant of planning permission to vary Condition 15 as detailed. We trust that the above and enclosed detail is sufficient for the Council's prompt and full assessment of these application proposals, and we look forward to confirmation of the validation of the planning application shortly. In the interim please do not hesitate to contact me directly should you wish to discuss this matter further.

Yours sincerely

Phase 2 Planning

Lewis Halliday BSc (Hons) PGCE MSc TP MRTPI
Principal Planner