

Development and Conservation
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T: [REDACTED]

Date: 24/06/2026

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Dear Sir/Madam

SECTION 73 APPLICATION TO VARY CONDITIONS ASSOCIATED WITH THE ERECTION OF 4 DWELLINGS INCLUDING PARKING AND LANDSCAPING AT THE RUDDERY, ASHWELL STREET, ASHWELL, HERTFORDSHIRE SG7 5QF (LPA REF 25/03050/FP)

This application is submitted under Section 73 of the Town and Country Planning Act 1990 to vary the wording of conditions 3, 4, 5, 6, 7, 8, 11, 13, 14, 15, 16 and 18 attached to planning permission 25/03050.

The purpose of the application is to enable the approved development to be implemented on a phased basis, allowing each of the two separate areas identified within the approved red line boundary to be developed independently, with relevant conditions discharged on a site-specific and phased basis.

The approved site comprises two physically separate parcels of land, each in separate ownership, with each parcel accommodating two dwellings in accordance with the approved block plan. The applicants intend to implement their respective parts of the development independently.

Importantly, the application does not propose any changes to the approved description of development, layout, design, scale, appearance, or the number of dwellings. Instead, it only seeks to amend the wording of conditions to enable the phased delivery of the development as already consented. As such, the proposal would not give rise to any material impacts on character and appearance, residential amenity, or highway safety. Furthermore, it remains possible to deliver identical ecological outcomes to those secured under the approved scheme.

The approved scheme comprises two separate parcels of land with independent access arrangements and no reliance on shared infrastructure. As such, the development can be delivered in phases without affecting the approved layout or the basis on which planning permission was granted.



For the avoidance of doubt, the development is to be treated as two phases for the purposes of condition discharge only:

- Site 1 (Phase 1) as shown on approved drawing numbered 303-A1- 01P.1
- Site 2 (Phase 2) as shown on approved drawing numbered 303-A1- 01P.1

It is therefore proposed to vary the relevant conditions to enable the phased implementation of the approved development. The suggested revised wording of the conditions is set out below.

Biodiversity Net Gain Condition

Each phase of the development is capable of independently achieving compliance with the statutory biodiversity gain requirement, and the proposed phased approach does not reduce or undermine the biodiversity outcomes secured by the original planning permission. Revised wording to achieve this outcome is set out below:

The development shall be carried out in two phases as follows:

- Site 1 (Phase 1) as shown on approved drawing numbered 303-A1-01P.1
- Site 2 (Phase 2) as shown on approved drawing numbered 303-A1-01P.1

In respect of each phase of the development, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the biodiversity gain condition, namely that development may not begin on that phase unless:

- (a) a Biodiversity Gain Plan for that phase has been submitted to the local planning authority; and
- (b) the local planning authority has approved the Biodiversity Gain Plan for that phase.

Each Biodiversity Gain Plan shall demonstrate how the relevant phase will achieve the statutory biodiversity gain requirement and shall be implemented and maintained in accordance with the approved details.

Planning Conditions

New Condition – Phasing of development

The development hereby permitted shall be carried out in two phases as follows:

- Site 1 (Phase 1) comprising two dwellings as shown on approved drawing 303-A1-01P.1
- Site 2 (Phase 2) comprising two dwellings as shown on approved drawing 303-A1-01P.1

Each phase shall constitute a clearly defined and independent part of the approved development and may be commenced, constructed and completed independently of the other phase.

Where conditions require details to be submitted to or approved by the Local Planning Authority prior to commencement, above-ground works or occupation, such details shall be submitted and



approved in respect of the relevant phase and development shall thereafter be carried out in accordance with the approved details for that phase.

Condition 3 – Ecology

No development shall take place within any phase until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures, for that phase has been submitted to and approved in writing by the Local Planning Authority.

Condition 4 – Archaeology

No development shall take place within any phase until an Archaeological Written Scheme of Investigation for that phase has been submitted to and approved in writing by the Local Planning Authority.

Conditions 5 & 6 – Archaeology implementation

The development within each phase shall be carried out in accordance with the approved Written Scheme of Investigation for that phase. No dwelling within a phase shall be occupied until the archaeological works for that phase have been completed.

Condition 7 – Materials

No development above slab level shall take place within any phase until details and/or samples of materials for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details for that phase.

Condition 8 – Construction Management

No development shall commence within any phase until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority.

Condition 11 – Landscaping

No above-ground construction works shall take place within any phase until full details of a comprehensive hard and soft landscaping scheme for that phase, including planting details and all boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

All approved hard surfacing and boundary treatments for each phase shall be completed prior to the first occupation of any dwelling within that phase.

The approved soft landscaping for each phase shall be carried out in the first planting season following either the first occupation of any dwelling within that phase or the completion of that phase, whichever is the sooner.



Any trees or plants which, within a period of 5 years from the completion of that phase, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to any variation.

Conditions 13 – Trees Protection

Prior to the commencement of development within any phase, trees to be retained within that phase shall be protected by the erection of temporary protective fencing in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', unless otherwise agreed in writing by the Local Planning Authority. 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.

Conditions 14 – Method Statement

Prior to the commencement of development within any phase, a survey shall be undertaken to identify the root protection areas of all trees to be retained within or adjacent to that phase where construction or excavation works are proposed. Where roots with a diameter of 25mm or greater are identified, any excavation within the root protection areas shall be carried out by hand. A Construction Method Statement detailing safe construction practices within the identified root protection areas for that phase, and demonstrating compliance with BS5837:2012 and BS3998:2010, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that phase. The development shall thereafter be carried out in accordance with the approved details for that phase.

Condition 15 – Cycle/bin stores

No dwelling within any phase shall be occupied until details of cycle parking and bin storage for that phase have been submitted to and approved in writing by the Local Planning Authority and implemented on site.

Condition 16 – Lighting

No above-ground construction works shall take place within any phase until details of external lighting for that phase have been submitted to and approved in writing by the Local Planning Authority.

Condition 18 – Heat pumps

No dwelling within any phase shall be occupied until details of the Air Source Heat Pump for that phase have been submitted to and approved and installed.



It is respectfully requested that the Local Planning Authority approves the proposed variations to enable the phased and independent implementation of the approved development. The proposed amendments are procedural in nature and do not result in any material change to the approved scheme or its planning impacts.

We trust the above is sufficient to support the application. Should you require any further information, please do not hesitate to contact us.

Yours faithfully

Hayden Todd BRP (Hons) MRTPI
Associate Director

