

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01672/S73	Variation of Condition 1 (approved plans and details) of planning permission 24/00151/FP granted at appeal on 08.04.2025 for Erection of four link-detached 3-bedroom dwellings with garaging, access and landscaping.	Site Of Former Downs Barns Ashwell Road Bygrave Hertfordshire SG7 5EE

Submitted Plan Nos

PO1A PO2A PO3A PO5A PO6A PO7A PO8A PO9A P10A

1.0 Policies

1.0 **Relevant Planning Policy**

1.1 North Hertfordshire Local Plan 2011 – 2031

Policy SP1: Sustainable Development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP5: Countryside and Green Belt
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy T2: Parking
Policy D1: Sustainable Design
Policy D3: Protecting Living conditions
Policy HE4: Archaeology

1.3 National Planning Policy Framework (2024)

Section 2: Achieving sustainable development
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 13: Protecting Green Belt land
Section 16: Conserving and enhancing the natural environment

1.4 Supplementary Planning Guidance and Documents

- ☐ Design SPD 2011
- ☐ Vehicle Parking at New Developments 2011

1.5 Baldock, Bygrave and Clothall Neighbourhood Plan

Relevant Policies:

- ☐ G3 – Creating well-designed places
- ☐ G4 – Sustainable design
- ☐ V1 Bygrave village

2.0 **Site History**

Proposed Development: Decision:
18/01011/LDCEP Use of land and
buildings for the
storage and distribution
of soft drinks (B8 use)

Granted 05 June
2018

03/00627/1 Use of central section
of barn (Barn B) for
storage and distribution
of scaffolding
equipment

Approved 25 June
2003

02/01470/1 Use of part of building
(Barn B) for Class B8
(storage and
distribution) purposes.
(Made up kitchen and
appliances)

Withdrawn on 16
April 2003

01/01123/1 Retention of use of
lean-to barn for storage and distribution

Approved 05
October 2001

01/00419/1 Retention of use of part
of farm buildings for
storage and distribution
purposes (use Class
B8) (soft drinks). Appeal allowed 03.05.01

21/02687/FP: Terrace of 3 no. three bedroom dwellings following demolition of existing
storage buildings. Granted 14/12/21

22/01410/FP: Erection of three link-detached 3-bedroom dwellings following the demolition of
the existing commercial storage buildings (as a resubmission of planning permission
21/02687/FP granted on 14.12.2021). Granted 24/08/22

Permission has been implemented.

24/00151/FP: Erection of four link-detached 3-bedroom dwellings with garaging, access and
landscaping. Refused 2/5/24. Granted on appeal.

3.0 **Representations**

3.1 Bygrave Parish Council : No comments received

3.2 Baldock, Bygrave And Clothall Neighbourhood Planning Group
No comments received

3.3 Hertfordshire Highways: No objections.

3.4 NHDC Environmental Health

'I have no objections to this application subject to any undischarged conditions relating to Environmental Health matters being retained on any new decision notice'.

3.5 Herts Ecology: No comments .

3.6 NHDC Waste Manager: Provides general advice re waste management and collection.

3.7 HCC Archaeologist : 'No comments to make'

3.8 Site Notice/adjoining residents

North East Herts Swift Group requests the provision of a condition to secure swift and bat boxes.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site comprises a site of 2,300 sq m of land located on the west side of Bygrave village. The site was formerly occupied by an agricultural building subsequently used for commercial storage. It is now a residential site following the demolition of all the original commercial buildings and the implementation of planning permission ref: 22/01410/FP

Bygrave is identified as a category 'C' village under Policy SP2 of the Local Plan. The whole of the site and the adjacent settlement is within the Green Belt. There are no nearby listed buildings and the site is not covered by a Conservation Area. There are no public footpaths near to or around the site. The land to the south and west is agricultural and there is a residential property (No.51 51A Ashwell Road) to the east / north east of the site.

4.2 **Proposal**

4.2.1 The proposal seeks planning permission for the variation of Condition 1 (approved plans and details) of planning permission 24/00151/FP granted at appeal on 08.04.2025 for Erection of four link-detached 3-bedroom dwellings with garaging, access and landscaping.

Effectively, the proposal relates to Plot 4 only and the provision of a covered walkway (approx. 1.5m wide) between its link detached single garage and the flank elevation of the dwelling. There is otherwise no increase in footprint to plot 4 over and above that allowed on appeal under ref: 24/00151/FP

As stated in the supporting letter

'The proposal is largely as per that originally approved, albeit it proposed to re-site the northern-most dwelling slightly further from the dwelling to the south, albeit it would still be link-detached. Otherwise, the proposals are largely as per those previously approved.'

As a result of the additional width to plot 4 there would be a corresponding reduction in width of the landscaping strip along the northern boundary of the site.

4.3 Key Issues

4.3.1 The principle of the additional plot 4 development has been established on appeal under ref: 24/00151/FP therefore the only issues relate to impact on the character and appearance of the area, landscaping, living conditions & impact on neighbouring properties, highway and access issues and environmental issues.

4.3.2 Character and Appearance

4.3.3 The additional width and single storey covered way extension to the garage to Plot 4 and reduction in landscaping is limited in scale and given the overall scale of the development (4 dwellings) and the set back of the site from the main road means that the development would have very little if any additional impact on the character and appearance of the area. The proposals would comply with the provisions of Policy SP9 and D1 of the North Herts Local Plan.

4.3.4 Living conditions and impact on neighbours

4.3.5 The proposed development is located to the south west of the nearest residential properties at Nos. 51 and 51A Ashwell Road. The gap is approximately 25 metres with open ground in between with some landscaping in the form of trees / hedgerows. There would be no direct overlooking, loss of light or overbearing impact to the occupiers of No. 51 / 51A bearing in mind the distance of the new properties and their limited height and orientation.

4.3.6 Each of the four properties including plot 4 would have adequate private rear gardens. Two parking spaces are provided for each dwelling and storage space in the form of a garage is provided for each house. Bin storage facilities that are large enough to accommodate recycling are located to the front of each house. The dwellings are well set back from the main road behind a landscaped frontage and there would be very limited, if any, noise impact from passing traffic which is limited in any event.

4.3.7 It is considered that the proposed development would maintain adequate living conditions for existing residents and provide an adequately high standard of environment for prospective residents.

4.3.8 Sustainability and climate change

4.3.9 The proposed development has no additional impact on the sustainability of the site or any additional impact on local climate change.

4.3.10 Landscaping and biodiversity

4.3.11 The development will result in some reduction in width to the landscaping belt along the northern boundary. However there would still some biodiversity net gain on the site as opposed to its original commercial use. Therefore the development would still accord with Local Plan Policy NE4 and the Environment Act 2021.

4.3.12 **Environmental Issues**

4.3.13 The site is not within a Flood Risk Area and surface water management is likely to be easily accommodated on site given the reduction in buildings / hardsurfacing and consequent reduction in surface water run off and the availability of additional soft landscaping .

4.3.14 Condition 3 (contamination) of planning permission ref: 24/00151/FP is repeated.

4.3.15 **Highway and access matters**

4.4.16 There is no major change to the vehicular access point into the site. The Highway Authority have stated ' no objection'

4.4.17 Servicing and waste collection arrangements are acceptable. A bin storage area at the front of the site is now shown on the amended block plan and a turning head shown within the site in the event that service or delivery vehicles need to enter the site.

4.4.18 **Conditions**

4.4.19 Since the appeal decision on application ref: 24/00151/FP the LPA has not received any detail of condition applications relating to that permission. Therefore it is considered procedurally correct to re-attach to this S73 application all of the Inspectors conditions from permission ref: 24/00151/FP.

4.4 **Conclusion**

4.4.1 The development is acceptable in planning terms.

5.0 **Recommendation**

5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: PO1A, PO2A, PO3A, PO5A, PO6A, PO7A, PO8A , PO9A & P010A.

Reason: To ensure that the development is carried out in accordance with the plans approved to provide certainty

2. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures specified in the submitted 'Ecological Impact Assessment' by Green Environmental Consultants dated September 2021

Reason: In the interests of nature conservation and to protect the habitat of protected species . To comply with Policy NE4 of the Local Plan.

3. (a) Prior to the commencement of development of Dwelling 4 (as depicted upon approved plan PO1A) hereby permitted, a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors shall be submitted to and approved in writing by the local planning authority. It shall identify the current and past land uses of this site (and adjacent sites) with a view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
(b) If the local planning authority is of the opinion that the report which discharges condition (a) above indicates a reasonable likelihood of harmful contamination, then Dwelling 4 shall not be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the local planning authority which includes:
(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
(ii) The results from the application of an appropriate risk assessment methodology.
(c) Other than the development that is necessary for the discharge of this condition, Dwelling 4 shall not be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the local planning authority.
(d) Dwelling 4 shall not be occupied, or brought into use, until:
(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the local planning authority.
(e) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the local planning authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by the local planning authority and subsequently fully implemented prior to the occupation of

Dwelling 4

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

4. Dwelling 4 shall not be constructed above ground level until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details. Other approved dwellings shall be constructed in accordance with details approved under Council reference 23/02836/DOC.

Reason: In the interests of visual amenity and to comply with Policy D1 of the Local Plan

5. Dwelling 4 shall not be constructed above ground level until measures to reduce carbon emissions arising from the development particularly in terms of heating and energy systems to be installed have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details

Reason: In order to meet national and local objectives for addressing climate change.

6. Dwelling 4 shall not be constructed above ground level until full details of all hard and soft landscaping and boundary treatment (including walls / fences both within the courtyard and around the site perimeter) have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to first occupation of the development.

Reason: In the interests of visual amenity.

7. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or completion of the development, whichever is sooner, and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the local planning authority agrees in writing to vary or dispense with this requirement.

Reason: In the interests of visual amenity.

8. Prior to occupation, each new dwelling hereby permitted shall incorporate an Electric Vehicle (EV) ready charging point.

Reason: In the interests of addressing climate change

9. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plans shall be marked out and made available and shall thereafter be kept available solely for the parking of motor vehicles

Reason: To ensure adequate parking for the development in accordance with LPA standards

10. Before the development hereby permitted is first occupied, a scheme demonstrating how surface water is to be suitably disposed of shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the submitted details unless otherwise agreed in writing by the local planning authority.

Reason: To reduce the risk of flooding

11. 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 and to comply with Policy D1 and/or Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line 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: 13 August 2025	