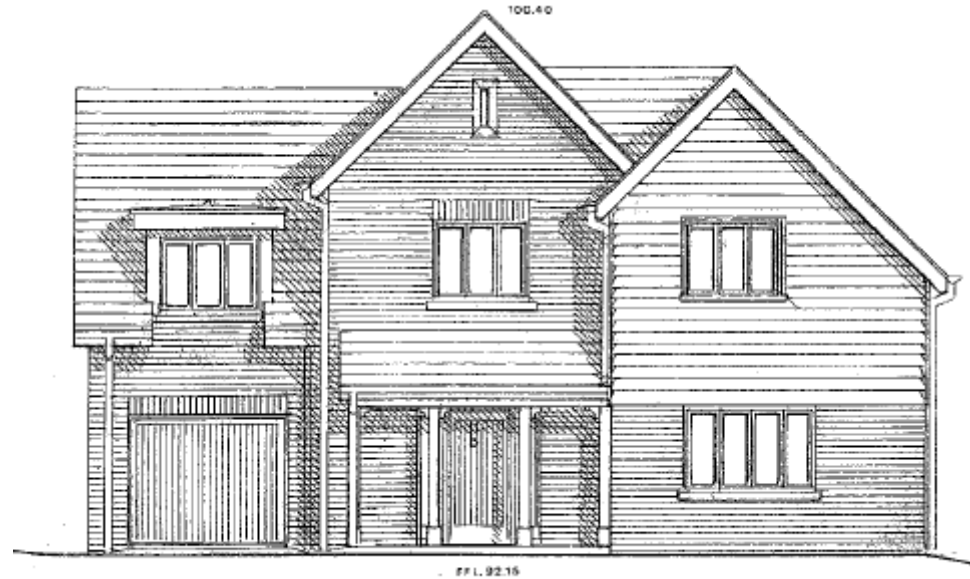


Planning, Design and Access Statement

Proposed detached dwelling house at Well Row, Bayford, Hertford SG13 8PW



Shaun Greaves
Planning Consultant
Shaunj.greaves@outlook.com

Ref: SG/bh/wrb/2
September 2023

The statement is structured as follows:

- 1.0 Introduction
- 2.0 Background and site description
- 3.0 Proposed Development
- 4.0 Planning History
- 5.0 Planning Policy
- 6.0 Analysis
- 7.0 Planning Balance
- 8.0 Conclusions

1.0 INTRODUCTION

1.1 This Planning, Design and Access Statement accompanies an application by Bonnel Homes Ltd and The St. Albans Diocesan Board of Finance under S73 of the Town and Country Planning Act 1990 to amend the previously approved scheme (Application ref: 3/22/1237/FUL) for the erection of a detached dwelling house on a vacant plot of land between The Old Vicarage and 14 Willow Corner, at Well Row, within the settlement of Bayford.

1.2 The amendments to the previous approval are as follows:

1. Omission of the basement;
2. Footprint slightly increased to the rear and the sides at the rear;
3. Utility and reception room now study and reception;
4. Rear extended to accommodate new utility position;
5. Kitchen widened but following alignment of the basement side extension, as before;
6. Small increase to the footprint to the projection in rear gable which helps break up this façade;
7. Additional window either side of the bi-fold door to rear elevation; and
8. Minor alterations to windows to the new utility and study.

1.3 The proposed changes would be minor and would not have any material impact upon the character and appearance of the proposed development and effect upon its surroundings or the living conditions of occupiers of neighbouring residential properties compared to the previous scheme.

1.4 The table below sets out the drawings and documents that accompanied the previous application, and that accompany this revised application.

Planning Drawing Schedule

| APPROVED | | REVISED | | Comments |
|-----------------------------------|------------|---------------------------------|------------|----------------------------------|
| Title | Drawing No | Title | Drawing No | |
| Site Plan – Proposed | W901 – 1 A | Site Plan – Existing & Proposed | W701 – 1 | Updated with new footprint |
| Street Scene | W902 – 2 | Street Scene | W702 – 2 | Update to reflect minor changes. |
| Northern Elevations | W904 - 4 | Northern Elevations | W704 - 4 | Update to reflect minor changes |
| Southern Elevations | W905 - 5 | Southern Elevations | W705 - 5 | Update to reflect minor changes |
| Lower & Upper Floor Plans | W906 - 6 | Ground & First Floor Plans | W706 - 6 | Update to reflect minor changes |
| 1 st Floor & Roof Plan | W907 - 7 | Roof Plan & Sections | W707 - 7 | Update to reflect minor changes |
| Cross Sections | W908 -8 | Omit | | Sections covered in drwg W707-7 |
| | | | | |

| | | | | |
|--|------------------------|--|------------------------------|---|
| Tree Protection Plan | BWA – A3 | Tree Protection Plan | BWA – A4 | Updated with new footprint & the remove of HW tree. |
| Construction Management Plan | 491/CMP/01 | Construction Management Plan | 491/CMP/01 | As approval ref 3/22/1237/FUL |
| | | | | |
| Site Access | 19801 – 5 – WROW – 100 | Site Access | 19801 – 5 – WROW – 100 Rev A | Updated with new footprint |
| Site Access Tracking | 19801 – 5 – WROW – 101 | Site Access Tracking | 19801 – 5 – WROW – 101 Rev A | Updated with new footprint |
| Drainage | 19801 – 5 – WROW - 200 | Drainage Strategy | 19801 – 5 – WROW – 500 Rev F | Updated with new footprint and point of connection |
| Existing Survey | 38197BDLS | Existing Survey | 38197BDLS | No change |
| Vehicular Crossover Construction Details | 19081-5-WROW-900 | Vehicular Crossover Construction Details | 19081-5-WROW-900 Rev C | Updated with new footprint |

Supporting Documents Schedule

| Title | Author | Comments |
|---|-------------------------------------|--|
| Arboricultural Survey – Updated August 2023 | Bob Widd Associates | Updated to reflect new footprint |
| Preliminary Ecological Appraisal Report – May 2022 | Greenwillows Associates | As approval ref 3/22/1237/FUL |
| East Herts Council Biodiversity Questionnaire – 19-05-22 | Greenwillows Associates | As approval ref 3/22/1237/FUL |
| Planning, Design & Access Statement – Sept 2023 | Shaun Greaves - Planning Consultant | Updated to address proposed changes |
| Construction/Traffic Management Statement – 06-06-22 | Bonnel Homes Ltd | As approval ref 3/22/1237/FUL |
| Sustainable, Construction, Energy, Water & Carbon Reduction Statement - June 2022 | Bonnel Homes Ltd | As approval ref 3/22/1237/FUL |
| Construction Management Plan – HCC Template 16-08-22 | Bonnel Homes Ltd | As application ref 3/22/1237/FUL |
| Technical Summary Report Rev A – Well Row, Bayford – Updated 25-09-23 | Woods Hardwick | Updated with new footprint and point of connection |
| Archaeological Desk-Based Assessment – May 2022 | CFA Archaeology Ltd | As approval ref 3/22/1237/FUL |
| | | |

Information Used to Discharge Conditions 4, 5 and 7 of ref 23/22/1237/FUL

| Condition | Information | Comments |
|--|---|-------------|
| | | |
| Condition 4 ref X/23/0086/CND dated 06-04-23 | WSI by CFA dated 15-02-23 | As approval |
| Condition 5 ref X/23/0088/CND dated 06-04-23 | Geo Environmental Report BRD 4052-OR1-A | As approval |
| Condition 7 ref X/23/0105/CND dated 21-03-23 | Building Regulation England Part L (SAPs) | As approval |
| | | |

- 1.5 This Statement includes a description of the proposal, its setting, considers the planning history and planning policy, and provides a justification for the proposal.

2.0 BACKGROUND AND SITE DESCRIPTION

- 2.1 An application for full planning permission for a dwelling house on this site was submitted on 13 June 2022 and planning permission was granted subject to conditions on 3rd March 2023.
- 2.2 Condition 2 of the planning permission requires the approved development - Erection of 1 detached dwelling and construction of vehicular access - to be carried out in accordance with the approved plans listed at the end of the Decision Notice. This is an application under Section 73 of the Town and Country Planning Act 1990 (as amended) that seeks to develop the land without compliance with condition 2 and proposes amendments as set out in the submitted drawings listed at 1.4 of this Statement.
- 2.3 Condition 12 of the original permission
- 2.4 Section 73 applications are commonly referred to as minor material amendment applications. Whilst the National Planning Practice Guidance also refers to such applications as minor material amendments, recent case law¹ has confirmed that there is nothing in Section 73 that requires the amendments to be minor, or amendments which do not involve a “substantial” or “fundamental” variation, based upon the wording of Section 73. The description “minor material amendment” is therefore a misnomer. However, any application under Section 73 should fall within the “operative part” of the original application, in other words, the description of development, which in this case is the Erection of 1 detached dwelling and construction of vehicular access. The amended proposal is

¹ *Armstrong v Secretary of State for Levelling Up, Housing and Communities and Cornwall Council* 2023 [EWHC] 176 Admin

for one dwelling and a new access and therefore falls to be considered under Section 73 irrespective of the degree of change. However, in this case, the proposed amendments are indeed minor. Any permission under Section 73 is a separate planning permission that stands alongside the original permission.

2.5 Regarding conditions, these not necessarily be duplicated but should be imposed upon the S73 application if they continue to have a purpose. In this case, as indicated in the Table at 1.4, details reserved by conditions 4, 5 and 7 of the original permission have been approved. The approved details are submitted with this application for approval at this point therefore avoiding the need to re-impose those conditions in the event that permission is granted.

2.6 The site covers an area of about 800m² and is currently unused. It was previously rented out by the Diocese of St. Albans to Bayford Parish Council for use as a play area, but the lease expired in 2018. Prior to that it is understood that the site formed part of the garden of the former vicarage. The site is located on the west side of Well Row within the village of Bayford. There are dwellings to the north (The Old Vicarage) and south (14 Willow Corner). There are fields to the west and to the east beyond the highway.



View within the site looking west towards the bottom of the rear garden..

- 2.7 The site slopes down from the east to the west, albeit it is terraced. There is a security wire fence to the boundary along the frontage of the site, a wire mesh fence and overgrown leylandii hedge to the boundary with The Old Vicarage, a wire mesh stock proof fence to the rear boundary and a close-boarded fence along the boundary with 14 Willow Row to the south.
- 2.8 The application site has been unused since 2018.
-



View of 14 Willow Road from the site



View along the site frontage looking north

- 2.9 Willow Row to the south is a group of several terraces of 20th century housing fronting onto the village green and pond. They are positioned at an angle compared to the highway.



Willow Row – looking at the side(northeast) elevation to No. 14

- 2.10 There is a parking layby along Well Road to the south of the application site, that provides parking for residents of Willow Row.



View along Well Row, to the south of the site, looking southeast

- 2.11 Bayford is a small linear village that extends along Ashdene Road and Well Row. There is a Primary School off Ashdene Road and the Bakers Arms Public House. The parish church (St. Mary's) is on the edge of the village about 240m to the north of the application site. There are dwellings running along the west side of Well Row between The Old Vicarage and the parish church.

3.0 PROPOSED DEVELOPMENT

3.1 It is proposed to vary condition 2 of planning permission 3/22/1237/FUL and erect a two-storey detached dwelling house and construct an access without compliance with this condition. Proposed amendments to the approved drawings are set out in the drawings accompanying this application.

Design

3.2 The dwelling would have traditional styling with Arts and Crafts influences. There is no overriding style and character to dwellings in the immediate area.

3.3 The dwellings along Willow Row, would have originally had a uniform design, that has been altered over the years by extensions and changes to fenestration.



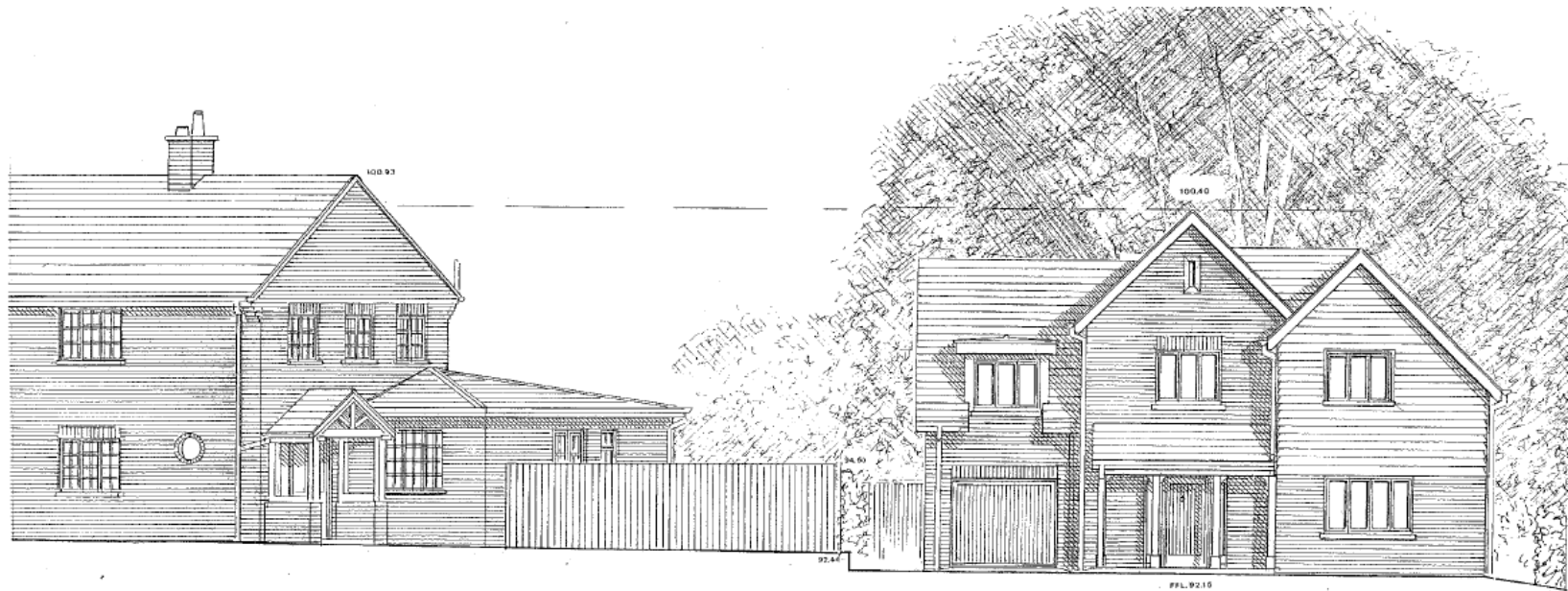
Willow Row

- 3.4 The Old Vicarage is a large extended detached house, with white rendered walls, quoins, and hipped slate roof.



The Old Vicarage, 26 Well Row

- 3.5 The proposed dwelling house would accommodate an open plan kitchen/dining/living area, study, reception room and garage on the ground floor and four bedrooms, one ensuite, and a bathroom at first floor.
- 3.6 There would be a small flat-roofed dormer to the front roof slope, and a forward-facing gable. The dwelling would step down to the southwest side so as to reduce the mass of the dwelling when viewed from 14 Willow Corner.



Proposed Streetscene

- 3.7 The proposal would constitute limited infill development and would be very similar to the approved scheme. The changes are listed at paragraph 1.2 of this statement. The scale and height of the proposed dwelling would remain modest in relation to Willow Row to one side and the Old Vicarage to the other. The proposed street scene drawing (extract above) shows the relationship with Willow Road and the height of the proposed dwelling in relation to the neighbouring dwelling, and this is not materially changed compared to the approved scheme. The ridge of the proposed dwelling would remain approximately 0.5 metres lower than 14 Willow Row.

- 3.8 There would be parking for three cars and a turning area so that vehicles may enter and leave the site in a forward gear and an electric vehicle charging point fitted. Cycle parking would be provided on site within a shed in the rear garden. The same as the approved scheme.

Sustainable construction

- 3.9 Although the proposed dwelling would be of a traditional design, it would be well insulated and energy efficient. The aim will be to meet current building regulations regarding carbon emissions, principally through high quality insulation and energy/water efficient devices. This matter is addressed in detail in the submitted Sustainable, Construction, Energy, Water & Carbon Reduction Statement, which is the same as that submitted for the approved scheme.

Proposed external materials

- 3.10 The proposed materials would seek to reflect those of Willow Row.

Walls – red multi brick

Hardie Plank Cladding - black

Roof – Plain tile

Windows – UPVC.

Doors – timber or composite

Rainwater goods – black

Community Involvement

- 3.11 The approved scheme on this site was the subject of pre-application community consultation.
- 3.12 The revised scheme has been the subject of community consultation. The applicant met with the owners of 14 Willow Corner on the 17th August 2023 to present the revised designs to them and explain the proposed changes. No objections were raised to the proposed changes to the approved scheme. A copy of the revised drawings were also issued to the new owners of the Old Vicarage, 26 Well Row on the 29 August 2023 offering the opportunity to meet. In addition, drawings of the revised scheme have been sent to Bayford Parish Council.

4.0 PLANNING HISTORY

- 4.1 Erection of 1 detached dwelling house and construction of vehicular access – Application reference 3/22/1237/FUL – granted permission on 3rd March 2023.

- 4.2 A non-material amendment to 3/22/1237/FUL – Omission of lower ground floor (semi-basement) and minor adjustments to the internal layout of the ground floor and first floor – refused on 24 July 2023.

5.0 PLANNING POLICY

The East Herts District Plan 2018

5.1 The following is a list of relevant local plan policies for this proposal.

CC1 – Climate Change Adaptation

CC2 – Climate Change Mitigation

SES3 – Landscaping

DES4 – Design of Development

DSP2 – The development Strategy 2011-2033

EQ1 – Contaminated land and Land Instability

EA2 – Noise Pollution

EQ4 – Air Quality

GBR1 – Green Belt

HOU7 – Accessible and Adaptable Homes

INT1 – Presumption in Favour of Sustainable Development

NE3 – Species and Habitats

TRA1 – Sustainable Transport

TRE2 – Safe and Suitable Highway Access Arrangements and Mitigation

TRA3 – Vehicle Parking Provision

VILL2 Group 2 Villages

WAT4 – Efficient Use of Water Resources

WAT5 – Sustainable Drainage

National Planning Policy Framework – September 2023 (The Framework)

- 5.2 The Framework is an important material consideration in the determination of applications for planning permission as it sets out the Government’s national planning policies.
- 5.3 Paragraph 8 identifies three overarching objectives of the planning system to achieve sustainable development. These are: economic, social and environmental.
- 5.4 Paragraph 10 confirms that at the heart of the Framework is a presumption in favour of sustainable development.
- 5.5 Paragraph 11 confirms that for decision-taking this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
-

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.6 Paragraph 59 confirms that the Government's objective is to significantly boost the supply of housing.

5.7 Paragraph 68 confirms that small and medium sized sites can make an important contribution to meeting the housing requirements of an area and are often built out quickly. At least 10% of the housing requirement of the area should be accommodated on sites no larger than 1 hectare.

5.8 Paragraph 78 confirms that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

5.9 Paragraph 79 confirms that planning policies and decisions should avoid the development of isolated homes in the countryside.

5.10 Section 13 addresses protecting Green Belt land and confirms at paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

- 5.11 Paragraph 147 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.12 Paragraph 149 sets out exceptions where local planning authorities should not regard new development as inappropriate in the Green Belt, which includes limited infilling in villages.
- 5.13 Paragraph 197 indicates that the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application.

Supplementary Planning Guidance/Documents

- 5.14 The Council has adopted Supplementary Planning Documents.

Sustainability SPD March 2021.

- 5.15 This document provides technical guidance on sustainable design and construction to improve the environmental sustainability of new development.
 - 5.16 The application is accompanied by a Sustainability Checklist and a Sustainable Construction, Energy and Water Statement (ScEW).
-

Vehicle Parking Provision at New Development 2008

- 5.17 This SPD provides for maximum parking standards. However, for work recently adopted local plan and to accord with the NPPF these have been updated to provide for minimum parking standards, which advocates 3 on-site parking spaces for a 4-bedroom dwelling in this location.
- 5.18 These documents have been considered in the design of the proposed development. The minimum car parking standard is 2 parking spaces for a dwelling with more than 2 bedrooms.

6.0 ANALYSIS

- 6.1 From an assessment of this site and a review of planning policies there are four main issues raised by this proposal, first, the principle of the proposed development, secondly the effect upon the character and appearance of the area, thirdly the effect upon the living conditions of neighbours, and fourthly the effect upon highway safety. Other issues are considered in detail and include the effect upon trees, biodiversity, drainage, and archaeology.
- 6.2 Planning permission has been granted for a dwelling on this site and this is an application under Section 73 of the Town and Country Planning Act 1990 (as amended) to develop the land without compliance with condition 2 of that permission – commonly referred to as a minor material amendment to the approved scheme. Therefore, as the permission granted on 3rd March 2023, is extant, this is a valid fall-back position, and the principle of the proposal is acceptable, as minor changes to the approved scheme are proposed.
- 6.3 Bayford is a settlement in the Green Belt in the District Plan. District Plan Policy DPS2 identifies the hierarchy of sustainable development. Bayford is a Group 2 village where Policy VILL2 allows for limited infill development together with small-scale employment, leisure, recreation, and community facilities.
- 6.4 The site lies within the built-up area of the village as defined on the Policies Map, where criterion IV of Policy VILL2 confirms that new housing development is permitted.
-

- 6.5 Regarding the Green Belt, Policy GBR1 indicates that applications within the Green Belt as defined on the Policies Map, will be considered in line with the provisions of the National Planning Policy Framework.
- 6.6 Paragraph 149 confirms that limited infilling in villages is not inappropriate development in the Green Belt. Therefore, if it is considered that the proposed development is limited infill within the village of Bayford then very special circumstances do not need to be identified. In addition, there would not be any policy requirement to assess the effect of the proposal upon the openness of the Green Belt.
- 6.7 The application site is a typical infill site between two dwellings in a substantially built-up frontage within the settlement of Bayford. The site is of a sufficient size for a single dwelling. It is a limited infill plot about 14m wide, with dwellings on both sides, and therefore the proposed development would accord with an exception set out at paragraph 149 of the Framework and District Plan Policy GBR1.
- 6.8 Paragraph 69 of the Framework confirms that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.
- 6.9 In addition, the site is adjacent to housing development within the village and is therefore not in an isolated location where the Framework stipulates that new housing should be resisted. Paragraph 78 of the Framework confirms that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

- 6.10 Whilst a settlement does not need to have any facilities for new housing to maintain or enhance vitality, there is a public house, and primary school within the village and a nearby railway station. It is understood that the public house is currently closed pending a new landlord. Although the proposal would be a single dwelling it would make a positive contribution towards maintaining the vitality of the village.
- 6.11 In the circumstances as there have been no changes to policy or the physical surroundings to the application site, since the previous approval, this Section 73 application does not raise any new issues relating to the acceptability of the proposal in principle. The main planning considerations are the effect of the proposed amendments to the approved scheme on the character and appearance of the area and the living conditions of occupiers of neighbouring residential properties.

Effect upon the character and appearance of the area

- 6.12 As with the previously approved scheme, the proposed dwelling would be of a high-quality design set in a good-sized plot, within a setting of residential development of varying size, from the large Old Vicarage to the north, to rows of modest terraced housing to the south. The amended scheme would not have any material impact upon the character and appearance of the area compared to the approved dwelling on this site.

- 6.13 It is proposed to provide a new vehicular access to Well Row, which would alter the appearance of the frontage, albeit this would reflect the residential character of the immediate area. The access would be the same as that approved. The house would relate to its surroundings through the quality of the built form, detailed design, materials, and landscaping.
- 6.14 Parking would be provided within the site to the front of the dwelling which is characteristic of the immediate area and would be the same layout as the approved scheme. An integral garage is also proposed which, would minimise the appearance of garaging within the street scene, which is dominated by on-street parking serving dwellings along Willow Row, fronting the green and pond, that do not have on-site parking.
- 6.15 The generally rural character and appearance of the area would be retained.
- 6.16 Therefore, it is considered that the proposal would reflect the character and appearance of the area and comply with District Plan Policy DES4 which requires all development proposals to be of a high standard of design and layout to reflect and promote local distinctiveness, ensuring that new buildings are sensitive to surrounding buildings, utilising the right materials.

Highway Safety

- 6.17 As with the approved scheme, the proposal would introduce a new access to serve this dwelling house onto Well Row. District Plan Policy TRA2 seeks to ensure that safe and suitable access can be achieved for all users.

- 6.18 A revised Technical Report by Woods Hardwick accompanies the application, which addresses highway safety and confirms that the proposed access would be safe, which would be the same as that approved. Parking would be provided for three cars and a vehicle tracking drawing shows that three large family cars could enter and leave the site in a forward gear.
- 6.19 District Local Plan Policy TRA3 confirms that vehicle parking provision associated with development proposals will be assessed on a site-specific basis and should take into account the provisions of the District Council's currently adopted Supplementary Planning Document 'Vehicle Provision at New Development. The proposed parking would accord the Council's adopted parking standards. An EV charging point would be provided.
- 6.20 Secure cycle parking would be provided within a shed in compliance with Policy TRA3, which requires provision of sufficient secure, covered and waterproof cycle storage facilities. This would be the same as the approved scheme.
- 6.21 Paragraph 109 of the Framework stipulates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety and the cumulative impacts on the road network would be severe.
- 6.22 In conclusion on this issue, the proposed access would have acceptable visibility and would be the same as the approved scheme. There would be sufficient space to park 3 large family cars and space to enter and leave the site in forward gear. Therefore, the proposal would be acceptable from a highway safety viewpoint.

Flood Risk and Drainage

- 6.23 The site is in Flood Risk Zone 1, which is an area of lowest risk of fluvial flooding. The site is also in an area of very low risk of flooding from surface water as indicated on the Planning Flood Risk Map. A copy of the EA Flood Map is in Appendix E for the submitted Technical Report. Therefore, the site is a sequentially preferable location for housing development from the perspective of flood risk.
- 6.24 District Local plan Policy WAT5 confirms that development must utilise the most sustainable forms of drainage systems in accordance with the SUDS hierarchy, unless there are practical engineering reasons for not doing so. In addition, development should aim to achieve Greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 6.25 The Technical Report considers surface water drainage and sets out why it is proposed to drain the surface water from the site to a foul water sewer, based upon the SUDS hierarchy. It is proposed to restrict surface water flows to a rate of 0.5l/s, equivalent to greenfield runoff rate for the 1 in 100-year storm event using below ground attenuation crates. The proposed combined connection was approved by Thames Water on 22 May 2023.

Effect upon Trees and Biodiversity

Trees

- 6.26 District Plan Policy DES3 stipulates that development proposals must demonstrate how they will retain, protect, and enhance existing landscape features which are of amenity and/or biodiversity value, in order to ensure there is in net loss of such features.

- 6.27 There are several trees within the site and on the site boundaries. An Oak to the rear of the site has a Tree Preservation Order (TPO) and is a Notable Tree.
- 6.28 An arboricultural survey has been carried out by Bob Widd Associates and an updated report accompanies the application, which confirms that the retention of the Oak (T1) is a priority and that it will be necessary to remove several low-quality trees and shrubs that are competing with the canopy of this tree.
- 6.29 A revised Tree Protection Plan accompanies this application which addresses the minor changes to the proposal. There would be no material impacts upon trees compared to the approved scheme. A no-dig method continues to be proposed within the Root Protection Area of a category C2 tree (T7), which is a Norway Maple, to minimise the impact of the proposed development on that tree.
- 6.30 The arboricultural report confirms at 5.2 that there would be no material change in impact upon trees compared to the approved scheme. Therefore, it is considered that the proposal would comply with Policy DES3.

Biodiversity

- 6.31 District Plan Policy NE3 indicates that development should always seek to enhance biodiversity and to create opportunities for wildlife.

- 6.32 A Preliminary Ecological Appraisal (PEA) Report and Ecological Impact Assessment (EIA) of July 2022 by Greenwillow Associates Ltd accompanies the application. This has not been updated and as it is less than 3 years old remains valid and is submitted with this S73 application. The assessment confirms that there is no evidence of any protected species present on the site. The site offers potential habitats to several protected species and the EIA makes recommendations regarding this matter.
- 6.33 The amended scheme would not have any material impact upon biodiversity compared to the approved development. Enhancements continue to be proposed by the provision of increased nesting opportunities in the form of bird boxes and the provision of additional planting.

Archaeology

- 6.34 The amended scheme would not have any material impact upon archaeology compared to the approved scheme. District Plan Policy HA3 addresses archaeology and requires that where a site has the potential to include heritage assets with archaeological interest, application should consult the Hertfordshire Historic Environment Unit to submit an appropriate desk-based assessment, and where necessary, the result of a field evaluation, prior to the submission on an application.
- 6.35 The application site lies just within an 'area of archaeological significance' defined by the Hertfordshire Historic Environment Records (HER) relating to the medieval core of the settlement of Bayford.

- 6.36 A Desk-Based Archaeological Assessment (DBAA) by CFA Archaeology Ltd accompanies the application, which concludes that there is a low to medium potential for archaeological deposits for medieval to post medieval date to present with the site. It is considered that there is a low potential for archaeological deposits earlier than the medieval period.
- 6.37 The DBAA considers that any archaeological investigation in the form of a trial trench across the footprint of the proposed dwelling could reasonably be require and controlled by a planning condition, with follow-on mitigation should archaeological remains be discovered.
- 6.38 Condition 4 attached to 3/22/1237/FUL required he submission of a programme of archaeological work and the details required by that condition were submitted to the Council and approved on 6 April 2023 (Ref: X/23/0086/CND). These details accompany this application removing the need to impose such a condition in the event that this S73 application is approved.

Contamination

- 6.39 Condition 5 attached to permission 3/22/1237/FUL required the submission of a scheme to deal with contamination of land/ground gas/controlled waters. Details required by this condition were submitted to and approved by the Council on 6 April 2023 (Ref X/23/0088/CND). The submitted Geo-Environmental Investigation by BRD Environmental Ltd (February 2022) which was approved in full discharge of condition 5 accompanies this application. Therefore, in the event that this S73 application is approved, the submitted details would also be approved, and a similar condition would not be required.

Sustainable Construction

6.40 A Sustainable, Construction, Energy, Water & Carbon Reduction Statement accompanies this application and is the same as that submitted with the original application. Condition 7 of the original permission requires that prior to completion of foundations, details of the design and condition of the dwelling to demonstrate how the design, materials and operation of the development minimises overheating in summer and reduces the need for heating in winter to reduce energy demand. Details were submitted and approved by the Council on 24 April 2023 (Ref. X/23/0105/CND) and details that were submitted to discharge that condition accompany this S73 application. Therefore, as these details are submitted for approval, there would not be a need to impose such a condition in the event that this S73 application is approved.

6.41 Planning Benefits

Social Benefits

6.42 The proposal would make a modest contribution to the local housing stock and contribute to the viability of the village of Bayford in a modest and sustainable way.

Economic benefits

- 6.43 The development would bring about economic benefits from the construction and fitting out of the building. It would provide an opportunity for small local contractors. The future occupiers would also contribute to the local economy in terms of their spending. Moderate weight should be given to the economic benefits of the development.

Environmental Benefits

- 6.44 The proposal would make effective use of previously developed land and improve biodiversity. The proposed development would be energy efficient and minimise waste and water usage.

7.0 PLANNING BALANCE

- 7.1 The development plan comprises the District Local Plan 2018. The proposal would not have any greater material impact on planning policy and the surroundings of the application site compared to the approved scheme.
- 7.2 The proposed development would not be inappropriate development within the Green Belt, therefore very special circumstances are not required to justify the proposed development, which is acceptable in principle in this location within the settlement of Bayford. Moreover, as the proposal would be limited infilling in the village it would not be inappropriate development in the Green Belt and very special circumstances are not required to justify the proposal. In addition, as paragraph 149(e) of the Framework applies, it is not necessary to assess the effect of the proposal upon the openness of the Green Belt and its purposes.
- 7.3 There would be social, economic and environmental benefits. The site is within walking distance of the services and facilities of Bayford.
- 7.4 The proposal would deliver a high-quality scheme, adding to housing choice in the area.
- 7.5 The character and appearance of the conservation area would be enhanced through careful design and use of materials and there would be no harm to highway safety.

7.6 The site lies within an area of low risk of flooding and is therefore in a sequentially preferable location for housing in terms of flood risk.

8.0 CONCLUSIONS

8.1 The policies of the Framework on the delivery of sustainable rural housing development carry significant weight and specific policies do not indicate that development should be restricted. The application falls to be considered under S73 of the Town and Country Planning Act and only minor amendments to the extant planning permission 3/22/1237/FUL are proposed.

8.2 It contended that the proposed development would be sustainable rural development. The proposal would not be inappropriate development within the Green Belt as it would constitute limited infill within the village of Bayford.

8.3 The proposal would comply with policies of the development plan and National Planning Policy Framework as a whole and therefore this S73 application should be approved.