

# Planning Statement

Fox and Hounds Bromley Lane Bromley Standon SG11 1NX

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# 1.0 Location and description of site

- 1.1. The application site lies to the north-east of Bromley Lane and forms part of the settlement of Bromley, which is located approximately 2.4km to the south-east of the settlement of Standon.
- 1.2. The existing site forms part of the residential curtilage of the dwelling known as the Fox and Hounds, which is a Grade II listed building. The site is currently occupied by a number of domestic structures including a swimming pool and associated pool building and a tennis court. The northern, eastern and western boundaries of the site are well landscaped.

# 2.0 Proposal

2.1. Planning permission is sought for the demolition of the existing structures on the site and the erection of a detached dwelling and garage. Permission is also sought for the creation of a new vehicular access to the site from Bromley Lane.

# 3.0 Planning History

3.1. The site has been the subject of a number of applications, however many are not relevant to the consideration of this application. The following applications are however considered to be of relevance:

Application Ref.	Proposal	Decision
3/13/1083/FP	Close existing vehicular access and plant new hedge, open up original access and install new entrance gates	Granted 08.01.14
3/97/0428/FP	Demolition of pool room and erection of new pool room	Granted 22.05.97

# 4.0 Relevant development plan policies and national planning policy and guidance

4.1. The relevant policies of the East Herts District Plan 2018 (DP) include:

INT1	Presumption in Favour of Sustainable Development
DPS2	The Development Strategy 2011-2033
DPS5	Neighbourhood Planning
GBR2	Rural Area Beyond the Green Belt

VILL3	Group 3 Villages
HOU2	Housing Density
HOU7	Accessible and Adaptable Homes
DES3	Landscaping
DES4	Design of Development
TRA1	Sustainable Transport
TRA2	Safe and Suitable Highway Access Arrangements and
	Mitigation
TRA3	Vehicle Parking Provision
NE3	Species and Habitats
HA1	Designated Heritage Assets
HA3	Archaeology
HA7	Listed Buildings
CC1	Climate Change Adaptation
CC2	Climate Change Mitigation
WAT4	Efficient Use of Water Resources

4.2. The application site lies within the Neighbourhood Area of Standon Parish. The Standon Parish Neighbourhood Plan 2017 – 2033 (NP) was 'made' in September 2019 and therefore forms part of the East Herts Development Plan. The relevant policies of the Standon NP include:

Sustainable Development
Climate Change
Heritage Assets
Biodiversity
The Rural Area
Design Criteria
Sustainable Design
Car Parking Standards

4.3. The National Planning Policy Framework (NPPF) is also a significant material consideration in the determination of this application.

# **5.0 Planning considerations**

# Principle of development

5.1. The site lies within the Rural Area beyond the Green Belt, wherein Policy GBR2 of the DP allows for development identified in an adopted Neighbourhood Plan. Policy SP9 of the adopted Standon NP states that limited infill provision for housing will be made in specified hamlets, which includes Bromley. This approach also accords with East Herts Council development strategy which is set out in policy DPS2 of the DP and limited development in the villages. This is further

- carried through to policy VILL3 of the DP which states that within Group 3 Villages, limited infill development identified in an adopted Neighbourhood Plan will be permitted.
- 5.2. The NP states that for the purpose of policy SP9, the definition of 'infill' requires that any new property contributes to the character of the streetscene. Therefore, subject to the proposal meeting the definition of 'infill', there is no objection in principle to the proposed development.

#### Access to services and facilities

- The application site is a short distance (approximately 2.4km) from the settlements of Standon and Puckeridge, which have a range of services and facilities, including retail facilities, a doctor's surgery and schools (with provision up to the age of 13 years). The application site is approximately 7.8km from the settlement of Bishop's Stortford which provides a wider range of services and facilities and employment opportunities. Α regular bus service Standon/Puckeridge provides access to Hertford, Ware, Buntingford and other nearby villages, and a less frequent service is available to Bishop's Stortford, Baldock, Letchworth and Hitchin. The bus services also provide access to the railway stations in some of these nearby towns.
- 5.4. Paragraph 83 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that where there are groups of smaller settlements, development in one village may support services in a village nearby. This would be the case with this application, and the NP also recognises this by allowing infill development within specified settlements in accordance with policy SP9. The future occupiers of the proposed development would use and support local services and facilities in the nearby settlements of Standon and Puckeridge which would accord with the aims and objectives of paragraph 83 of the NPPF to enhance or maintain the vitality of rural communities.
- 5.5. Journeys to nearby settlements (and their services and facilities) would be short due to the proximity of the site to those settlements and very limited in number due to the scale of development proposed. Paragraph 109 of the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. In this case it should also be noted that access to public transport services is available from the nearby settlement which would provide

- access to other nearby settlements where there are a wide range of services and facilities.
- 5.6. Policy TRA1 of the DP states that development proposals should primarily be located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction. It is relevant however that the word 'primarily' not 'solely' is used, and this reflects paragraph 109 of the NPPF which recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. This is also referred to in the pre-amble to the policy in the DP (paragraph 18.2.3). Whilst there is some minor conflict with policy TRA1 of the DP, a range of sustainable transport options are available a short distance from the application site and vehicle movements associated with the development would be limited (by virtue of the application being for only 1 dwelling) and short. Furthermore, it is proposed to provide 2 electric vehicle charging points as part of the development.

# Character and appearance

- 5.7. The application site is currently used as part of the garden of the host dwelling. There are a number of existing structures on the site, which includes a swimming pool, pool building and tennis court (which is contained by high fencing). The site therefore currently has a residential appearance, and views into the site are afforded from Bromley Lane over the existing hedge.
- 5.8. The settlement of Bromley is characterised by predominantly detached, two storey dwellings set within spacious and well landscaped plots. Given the size of the existing site, the subdivision of the site would still retain two spacious plots which would be reflective of the pattern, layout and density of surrounding development.
- 5.9. As set out above, there are a number of existing structures on the site which are visible within the streetscene, and the use of the site is obviously that of a residential garden. The site is not therefore a significant open space or gap within the settlement, and the construction of a dwelling on the site would not result in any change to the existing residential character of the site. Given the existing landscaping along the boundaries of the site, and in particular the northern boundary, the proposed site is somewhat enclosed, and the proposal would not therefore detract from the openness of the countryside.

- 5.10. Whilst the proposed development would result in the removal of a limited number of trees from within the site and some small areas of existing landscaping, these landscape features are not visible, or are barely visible from outside of the site and apart from the proposed access, the existing well landscaped boundaries of the site will be retained. The removal of this landscaping would not affect the verdant character of the site. The submitted Arboricultural Impact Assessment by Arborterra Ltd sets out that the trees to be removed are category C and U trees, and are not therefore high quality trees.
- 5.11. A 5m section of hedge along Bromley Lane would be required to be removed to facilitate the new access (existing nearby trees would be retained). Whilst this would create a small gap in the vegetation along this part of Bromley Lane, given the extent of existing landscaping that is to be retained, the effect on the character of the Bromley Lane would be negligible. It is also relevant to note that within the settlement of Bromley the existing landscaped boundaries along Bromley Lane are already punctuated by existing accesses to residential properties, field accesses or other tracks.
- 5.12. The scale of the development proposed, having regard to both its footprint and height, would be of a scale that is appropriate to the settlement and surrounding development. The dwelling is proposed to be set back from the boundary of the site with Bromley Lane and together with the existing landscaping this would mean that the proposed development would not be prominent within the streetscene.
- 5.13. The proposed dwelling has been designed to reflect the rural setting of the site and the character and materials of construction of nearby buildings. The timber cladding and tiled roof would be similar to the materials of construction of many of the existing dwellings within the settlement.
- 5.14. It is considered that the proposed development would be of a high standard of design and would reflect and promote local distinctiveness. The proposal would also contribute to the character of the streetscene, by removing the modern swimming pool building and tennis courts and replacing them with a higher quality building of a more sympathetic form and design for the location. As the proposal would contribute to the character of the streetscene, the proposal meet the definition of infill in respect of policy SP9 of the NP. Accordingly, it is considered that the proposal would accord with polices VILL3, DES3, DES4 of the DP and SP13 of the NP.

# Impact on heritage asset

- 5.15. The host property, known as the Fox and Hounds, is a Grade II listed building and is sited to the south-east of the application site. To the south-east of the site are further listed buildings along Bromley Lane, namely Bromley Hall Cottage (Grade II) and Bromley Hall Farm and Bromley Barn (a group of four separate Grade II heritage assets). The site is not located within a Conservation Area.
- 5.16. The application is accompanied by a Heritage Statement by Brighter Planning Consultancy. The Heritage Statement assesses the significance of the heritage assets in the locality and the potential impact of the proposed development on the setting of the identified heritage assets.
- 5.17. Historic maps indicate that the land to which this application relates did not form part of the historic curtilage of the Fox and Hounds and appears to have been acquired at a later date and used as part of the residential curtilage of the property. The intervisibility between the two parts of the land is limited due to the shape of the plot and the hedge and tree enclosure to both sites, and the land is already defined by post and rail fencing denoting the two halves of the site. The site provides an ancillary domestic garden setting to the listed building and forms part of the residential character of the settlement, distinct from the surrounding farmland. The
- 5.18. As the proposed development would not result in any direct impact on the identified heritage assets, the key consideration is therefore one of the impact on the setting of the heritage assets. The submitted Heritage Statement sets out in some detail the heritage impact assessment that has been undertaken. This concludes that the shape of the site and the strong sense of enclosure means that the two halves of the site have little direct visual relationship. The retention of the boundary planting combined with a suitably located development which is to a design which echoes the rural character of the settlement will ensure the potential impact on the setting of the heritage asset (the Fox and Hounds) is minimised. The Fox and Hounds will remain the focal building in the public realm with the new dwelling both well screened but also a subservient form of design.
- 5.19. Given the distance between the application site and the other listed buildings to the south of the site, and the intervening landscaping, the proposal would also not result in any harm to the setting of these listed buildings or their significance as heritage assets. The submitted Heritage Statement states that the scale, form, location and design of the proposed dwelling ensures that it would echo the rural context

- of the site and would have a minimal impact on the pattern of development in the locality, which is characterised by a mix of houses and former outbuildings now converted to residential uses.
- 5.20. The submitted Heritage Statement states that whilst there will be some change to the built form on this part of the site, change does not necessarily equate to harm. Furthermore, the potential impact has been further mitigated by the location of the proposed dwelling, new planting and the courtyard barn form of the development. On this basis, the submitted Heritage Statement concludes that the development will result in no harm to the heritage significance of the heritage asset or its setting to the local distinctiveness of the settlement.
- 5.21. The proposed development would therefore preserve the setting of the listed building and the historic environment of the settlement and would accord with policies HA1 and HA7 of the DP and policy SP4 of the NP.
- 5.22. The site lies within an area of archaeological significance and therefore the proposed development has the potential to impact on below-ground archaeological remains, although it could be the case that previous development on the site may have already impacted on any potential remains. If it was deemed necessary, the applicant is willing to accept a condition on any grant of permission which requires a programme of archaeological works to be undertaken in accordance with policy HA3 of the DP.

#### **Ecology**

- 5.23. The application is accompanied by an Ecological Impact Assessment (EIA) by Denny Ecology.
- 5.24. A desktop survey revealed that there are no statutory designated sites within 1km of the site, nor any priority habitats within 500m of the site. There were also no records of great crested newts, reptiles or badgers within 1km of the site. However, records were found of two licences for bats within 1km of the site (700m to the northeast and 875m to the east-northeast) and a record in 2005 of a single hedgehog within 1km of the site. It was also noted that there are two ponds within 250m of the site.
- 5.25. Along the existing north-eastern and south-western boundaries of the site are native species-rich hedgerows and native and non-native trees. The submitted EIA considers that both of these hedgerows are classed as a Priority Hedgerow. The existing garden within the

application site comprises mostly amenity grassland, some of which is uncut and some of which is mown. The grassland has been classified as modified grassland, typical of garden lawns. There are also occasional scattered trees within the site. The submitted EIA concludes that the habitats of greatest ecological significance are the native species-rich hedgerows, the mature trees and a small patch of more species-rich grassland (located to the south of the existing tennis courts approximately 10sqm in area).

- 5.26. The proposal, to facilitate the access to the site, would require the removal of a 5m wide section of the species-rich hedgerow along the south-western boundary. No large mature trees are proposed to be removed, and if the patch of species-rich grassland is required to be removed, its loss can be easily compensated through the planting of a new wildflower meadow. The application proposes the planting of approximately 60m of new species-rich hedgerow within the site, resulting in a large significant gain.
- 5.27. Given the habitats on the site and the existing species records from the area, the only protected and priority species likely to be present on the site are great crested newts, reptiles, hedgehogs, nesting birds and bats.
- 5.28. The existing pond to the south-west of the application site (location shown in Figure 2 of the submitted EIA) was considered to have 'good' suitability for great crested newts and could well support the species. Whilst the pond to the south of the application site (to the south of the host dwelling) was considered to have 'average' suitability for great crested newts, if the pond to the south-west of the site does support great crested newts, it is likely that they might make some use of this pond. It was therefore recommended that an eDNA presence/absence survey for the species was undertaken. The survey results revealed that there is an existing population of great crested newts using the pond to the south-west of the application site, which also means that great crested newts may also be using the pond to the south of the site. Given the results (appended to the EIA), it is assumed that there is a small-moderate sized population of great crested newts present.
- 5.29. Great Crested Newts prefer to use suitable terrestrial habitat when available, such as woodland, within a zone of about 5 to 50 metres from the breeding pond. There is a block of broad-leaved woodland and scrub immediately surrounding the pond to the south-west of the site, which would likely discourage great crested newts to disperse further towards the application site and across the road (Bromley Lane). As all works would be over 50m from either pond, and that

both ponds are surrounded by moderate to high suitability terrestrial habitat, the submitted EIA concludes that it is unlikely that great crested newts will disperse as far as the application site, and that accordingly the proposal works would pose no more that a very low risk to the species. It is predicted that there is no likely significant impacts on great crested newts. It is however recommended that precautionary working methods are employed to ensure that none are killed or injured, and to ensure that suitable mitigatory action is taken should a great crested newt be discovered during work.

- 5.30. Turning now to reptiles, the overall site was considered sub-optimal for reptiles, with no suitable habitats present for species other than grass snakes. The submitted EIA therefore concludes that it is highly unlikely that reptile species other than grass snakes occur on the site. Given that it is possible for grass snakes to occur, suitable working methods are recommended to avoid the potential of killing and injuring grass snakes, and the creation of grass snake friendly habitats within the new garden.
- 5.31. There is potential for nesting bird habitat to be impacted through the removal of some existing trees and landscaping. The submitted EIA therefore recommends suitable working methods to avoid the potential of directly impacting nesting birds and the proposed new hedgerows will result in a net gain in bird nesting habitat within the application site.
- 5.32. The existing pool building and trees on the site were inspected for roosting bats. The existing pool building was assessed in the EIA as having negligible bat roosting potential. No bat roost features were found in the trees proposed to be removed as part of the proposal (three small fruit trees and a mature cherry plum to the west of the existing swimming pool area). The hedgerows and trees around the application site have the potential to support foraging and commuting bats. Whilst the impact on these habitats will be minimal, habitat creation is recommended to compensate for any loss. There is also potential for indirect impacts through inappropriate lighting design, and the submitted EIA therefore recommends appropriate mitigation in this respect.
- 5.33. The submitted EIA concludes that areas of the site to be impacted by the proposed development comprise mostly habitats of negligible ecological value, with the exception of a few small areas. However, these areas can be compensated for within the proposed planting and recommendations set out in section 4 (Enhancements, Mitigations and Conclusions) of the EIA. The EIA also concludes that great crested newts and grass snakes are unlikely to occur within the site,

- but appropriate precautionary working methods are recommended to ensure that none are harmed during the works.
- 5.34. Accordingly, it is considered that the proposal is unlikely to impact on Species and Habitats of Principle Importance, and in the unlikely event that this was to occur any adverse impacts can be appropriately mitigated. The proposal would provide an opportunity to enhance biodiversity and create opportunities for wildlife, and this is a benefit of the proposal. The applicant is willing to accept a condition requiring the implementation of the enhancement and mitigation measures set out in the submitted EIA. Having regard to the above, the proposal is considered to accord with policy NE3 of the DP and policy SP6 of the NP.

#### Highways, access and parking

- 5.35. The site is currently accessed via the land to the south, which has an existing vehicular access onto Bromley Lane. This application seeks permission for the creation of a new access to the site from Bromley Lane. Bromley Lane is subject to a 60mph speed limit and is an approximate width of 5m.
- 5.36. The application is accompanied by a Transport Note: Access Appraisal by Transport Planning Associates. This Appraisal has considered whether the proposed access to the site is appropriate.
- 5.37. The submitted Appraisal sets out that Personal Inquiry Accident data was obtained to understand if there are any highway safety issues on the highway network in its current form. An interrogation of the data revealed that there were no accidents recorded in the vicinity of the application site and the existing highway network can be deemed to be safe.
- 5.38. An Automatic Traffic Count survey was also undertaken (for a period of a week) to determine the speed of vehicles on Bromley Lane. The full output results of the survey are contained within Appendix A of the submitted Appraisal. The survey results found that the average 5 and 7 day vehicle speed travelling in both directions (northbound and southbound) was 31mph. The 85<sup>th</sup> percentile 5 and 7 day vehicle speed ranged from 36mph to 37mph. These results highlight that vehicle speeds are much lower that the 60mph speed limit, likely due to the road layout and rural and residential character of the road.
- 5.39. The application proposes the creation of a new vehicular access to the south from Bromley Lane, as shown on the submitted site plan. In accordance with guidance contained within the Design Manual for

Roads and Bridges, the 85<sup>th</sup> percentile speed from the Automatic Traffic Count survey has been used to determine appropriate visibility splays for the proposed access. Using the Automatic Traffic Count results and the Sight Stopping Distance (contained within the Design Manual for Roads and Bridges), it has been determined that visibility splays of 87.4m for southbound traffic and 91.3m for northbound traffic are required, and the site plan submitted with the application (and a drawing appended to the Appraisal) demonstrates that these can be achieved.

- 5.40. Whilst it is acknowledged that Bromley Lane in the vicinity of the application site is signed to be 60mph, the full Automatic Traffic Count survey shows that in the entire week of recorded data, only two vehicles were travelling between 55mph and 60mph past the site. All other vehicles were travelling considerably slower. The Automatic Traffic Count survey also showed a low frequency of vehicle movements using Bromley Lane, averaging 523 total two-way movements over the 7 day survey. The average two way vehicle flows over the survey period recorded and average of 53 movements for the morning peak (08:00) and 48 for the evening peak (16:00). Accordingly, there would be plenty of opportunity for vehicles to enter and egress the site within the existing traffic flow, and given the scale of the proposed development, vehicle movements associated with the development would be negligible. The proposed development would therefore not result in a severe impact on the highway network.
- 5.41. The submitted site plan demonstrates that sufficient space is available within the site for parking and turning of vehicles and vehicles would be able to enter and exit the site in forward gear.
- 5.42. Turning to access for refuse collection, in keeping with neighbouring residential dwellings, collection would take place on street. Given the position of the proposed access on a straight section of the road which provides appropriate forward visibility, the refuse and other servicing arrangements would not impact on highway safety.
- 5.43. The submitted Appraisal concludes that the proposed access to the site is safe and suitable, and the impact of the development would not be severe. There would therefore be no conflict with policies TRA2 or TRA3 of the DP and policy SP17 of the NP.

#### Other matters

- 5.44. The Council have acknowledged that they are unable to demonstrate a five year housing land supply (see appeal decision APP/J1915/W/22/3309807). Paragraph 11(d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date (in this case the strategic housing policies of the LP), planning permission should be granted unless:
  - (i) The application of policies in the 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 of the Framework taken as a whole.
- 5.45. Because the Council cannot demonstrate a five year supply of housing, the tilted balance is engaged and accordingly permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 5.46. The site is currently under-used and the proposed development would make more effective use of the land. Making effective use of land is in accordance with paragraph 123 of the NPPF and more importantly paragraph 124(d) which states that decisions should promote and support the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained. Paragraph 124(c) of the NPPF also states that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes (the site is previously developed and is therefore brownfield land).
- 5.47. The application is accompanied by a Climate Change, Sustainable Construction and Water Resources Statement. A number of measures will be incorporated into the detailed design stage for the construction of the dwelling to meet the requirements of policies CC1, CC2 and WAT4 of the DP and policy SP14 of the NP. It is currently anticipated that a number of measures will be utilised, such as: the use of double glazing and solar control glass in the south facing elevation (where the amount of glazing has been limited to prevent solar gain); air source heat pump; reuse of grey water and provision of 2 electric vehicle charging points. The applicant is willing to accept a condition which requires the submission of further details once the detailed construction design of the dwelling has been determined.

- 5.48. Given the distance between the proposed dwelling and other nearby dwellings, and the intervening landscaping, the proposal would not result in any overlooking, loss of light or other impact on the living conditions of the occupiers of neighbouring dwellings. Furthermore, sufficient amenity space would be retained for the occupiers of the host dwelling, the Fox and Hounds. The proposal would therefore accord with policy DES4 of the DP in this respect.
- 5.49. A restricted byway (Standon 071) runs to the north of the application site, however the proposed development would not result in any impact on or change to this byway. Given the existing landscaping along the northern boundary of the site, there are limited views into the site from the byway and the proposed development would not impact on the experience of the users of this byway

# 6.0 Planning Balance and Conclusion

- 6.1. There is no objection in principle to the proposed development. Policy SP9 of the NP permits limited infilling in the hamlet of Bromley, and as has been demonstrated by this Statement, the proposal would meet the definition of infill as it would contribute to the character of the streetscene.
- 6.2. The proposal would not result in any harm to the character and appearance of the site and its surroundings, ecology, highway safety and nearby heritage assets. If the Council does not agree with the conclusion in the submitted Heritage Statement that the proposal would not result in any harm to heritage assets and that less than substantial harm were to be identified, the applicant considers that that public benefits of the proposal, namely the construction of an additional dwelling in an area where a shortfall has been identified and that the proposal would replace existing buildings with a development of a more sympathetic form and design for the location, would outweigh any less than substantial harm that might be identified.
- 6.3. Given the location of the site approximately 2.4km from nearby services and facilities and access to public transport provision, some limited conflict has been identified with policy TRA1 of the DP which seeks to locate development proposals primarily in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction. However, the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and in allowing limited infilling in certain settlements (in accordance with policy SP9 of the NP), the NP also acknowledges that not all new housing development will be

located in areas where there is access to key services and facilities. Given that the application seeks permission for a single dwelling from which traffic movements would be limited and that the application proposes to provide two electric vehicle charging points as part of the development, the associated harm within the limited conflict with policy TRA1 of the DP is minimal and should not be determinative.

- 6.4. The so-called tilted balance is engaged in this case because the Council have confirmed that they cannot demonstrate a five year supply of housing land, and there are no policies in the NPPF that protect areas of particular importance in this case. Consequently, in accordance with paragraph 11(d)(ii) of the NPPF, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.5. The benefits of the provision of an additional dwelling weighs in favour of the scheme in the context of a housing shortfall, and the proposal would make more efficient use of previously developed land. There would also be economic benefits during construction of the development and from future occupants spending in the local economy and supporting services and facilities.
- 6.6. Whilst some minor conflict with policy TRA1 of the DP has been identified, taking everything together, in any reasonable assessment the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. As such, the proposal would be the sustainable development for which the NPPF indicates a presumption in favour.
- 6.7. It is therefore requested that planning permission is granted.