

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**27<sup>th</sup> September 2022**

**REFERENCE:** HW/HSE/22/00317

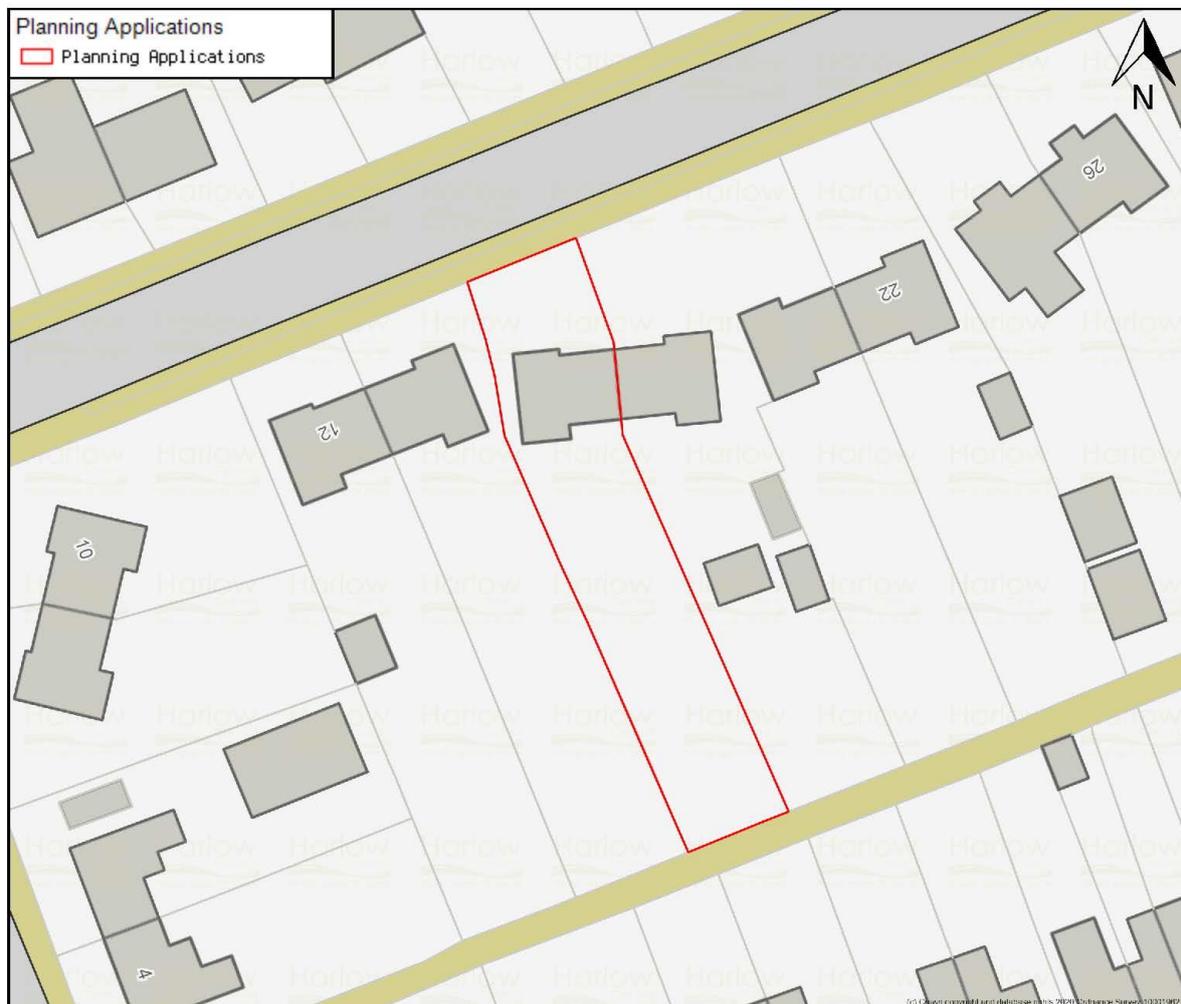
**OFFICER:** Chris Walter

**APPLICANT:** Mr Thomas Peter Colley

**LOCATION:** 16 St Johns Avenue  
Harlow  
Essex  
CM17 0BB

**PROPOSAL:** Construction of a single storey rear extension

**LOCATION PLAN**



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**REASON BROUGHT TO COMMITTEE:** Multiple objections have been received which are contrary to the officer recommendation.

## Application Site and Surroundings

The application site relates 16 St Johns Avenue, a semi-detached dwelling located in a residential area of Old Harlow. It shares a boundary to the west with No.14 and one to the east with No. 18. Access to the main property can be obtained through the front entrance gate. The dwelling is located within the Harlow Garden Village Estate Conservation Area. The house is part of a group of locally listed buildings (non-designated heritage assets).

## Details of the Proposal

Planning permission is sought for development of a single storey rear extension, measuring 7.4 metres in length, 3.6 metres in height and 3 metres in depth. As part of the plans, a set of aluminium bi-folding doors and white UPVC windows will be added to the rear elevation. Following correspondence between the case officer, agent and Heritage Officer, a number of amendments were made to the proposal, including the original hipped element section of the roof adjacent to No.18 being replaced for a lean-to design, and a reduced extension height from 3.85 metres to 3.6 metres height to obtain a more subservient relationship with the first floor cills.

This application follows a refusal for a similar scheme (HW/HSE/21/00420). It was considered, by reason its depth and design, that the extension would represent a rather dominant addition to the property and one that would fail to preserve the character and appearance of the local housing group. There were also concerns that a four-metre-deep rear extension would give rise to unacceptable impacts on amenity, including its impact on loss of natural daylight and sunlight.

A revised application was therefore submitted to address these design and amenity issues. This scheme has amended the roof design from a flat to a lean-to pitch, and reducing the depth of the extension by 1 metre, from 4 metres to 3 metres.

As part of the application, a Daylight Analysis was submitted using BRE methodology. The study is based upon information supplied by the applicant, including floor plans and elevation drawings, in addition to online imagery. This information was converted into geometrical data using SketchUp Pro. De Luminae was used to calculate the Vertical Sky Component of the closest south facing windows of the neighbouring properties and to estimate the number of annual probable sunlight hours. These calculations were made in relation to the existing building, and following the introduction of the proposed extension.

While a Light Assessment has been provided and demonstrates an acceptable impact on neighbouring amenity, such information is normally not required for a development of such a small scale. The council's adopted validation checklist for householder applications and Design Guide is clear in accepting developments of a similar scale, and as such, similar developments have been constructed across the District, with the impacts to amenity considered acceptable.

## RELEVANT PLANNING HISTORY:

### Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/EQ/07/20088	Summer House	Permitted Development	21.11.2007
HW/CV/08/70207	Summerhouse	Covenant Approval	
HW/PL/10/00010	Proposed Summer	Withdrawn	25.05.2010

	House		
HW/PL/10/00162	Proposed Summer House/Shower Room	Refused	19.08.2010
HW/CV/12/70234	enquiry re Summerhouse built as a bungalow copy drawing emailed to Mark	Permission Required	13.11.2012
HW/EQ/13/20211	Erection of Summerhouse	Application Returned	
HW/CPL/15/00395	Retention of Outbuilding and Associated Decking for Incidental Purposes	Would Not Be Lawful Use/ Development	04.12.2015
HW/HSE/15/00422	Retention of flat roofed building, construction of a pitched tiled roof, pebble dashing of walls, in association with the buildings use as a spa room and bathroom incidental to the enjoyment of the main house (part retrospective)	No Further Action	25.09.2019
HW/HSE/15/00443	Retention of part of existing flat roofed building, construction of a pitched tiled roof, pebble dashing of walls, in association with the buildings use as a spa room and bathroom incidental to the enjoyment of the main house (part retrospective)	No Further Action	25.09.2019
HW/PD/17/30038	Proposed Replacement of Windows and Doors to Property and Removal of Rear Window to Replace with French Doors	Closed	
HW/DK/21/90035	Application for Open Front Parking	Open Front Parking Approval	16.06.2021
HW/HSE/21/00420	Single storey rear	Refused	13.09.2021

	extension and internal alterations		
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The application HW/HSE/21/00420 was refused for the following reasons:

1. The proposed rear extension, by reason of its size and design, would mean its drawbacks outweigh any benefits to the character and appearance of the non-heritage asset and the Conservation Area. Furthermore, the removal of the chimney, which is considered to be an architectural detail that strengthens the character and appearance of the local housing group, is considered not to be subservient or respectful to the surrounding area. The proposed development is therefore considered to be contrary to Policies PL1 and PL12 of Harlow Local Development Plan 2020, along with section 4.12 of the Harlow Design Guide SPD. It is recommended for refusal accordingly.
2. The proposed rear extension, by reason of its impact on loss of natural daylight and sunlight, would result in detrimental impacts to the neighbouring amenity of No.18. The proposed development is therefore considered to be contrary to Policy PL2 of Harlow Local Development Plan 2020.

## CONSULTATIONS

### Internal and External Consultees

#### Heritage Officer Place Services

This application is for the construction of a single storey rear extension.

The property is located in the Harlow Garden Village Conservation Area.

The proposed extension is well articulated to follow the planform of the host, has a traditional pitched roof and is sympathetic to the character and appearance of the Conservation Area. Therefore, no objection would be raised to the proposal as it would preserve the significance of the Conservation Area. The proposal would be in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the NPPF.

Were permission granted, it is recommend that the following conditions are attached:

- Prior to their first use on site a schedule of the types and colour of the materials (including windows and doors) to be used in the external finishes shall be submitted to and approved in writing by the Local Planning Authority.
- The rooflights shall be of low-profile conservation type, the specification to be approved by the Local Planning Authority prior to their first use on site.

### Neighbours and Additional Publicity

Number of Letters Sent: 9

Total Number of Representations Received: 4

Date Site Notice Expired: N/A

Date Press Notice Expired: N/A

### Summary of Representations Received

Four letters of objection were received in regard to the proposal. Their comments can be summarised as follows:

- Appearance: Overbearing in size and scale. Construction of large pitched roof may have a negative effect on the character and appearance of the conservation area. Overpowering and intrusive design, including its height and size
- Amenity: The extension would be close to the boundary, resulting in feeling closed in. We have a right to light. The extension would block access to light. Falls with 45 degree view. Extends some 4 meters high above that window and extends 3 meters out, this will reduce our daylight by at least 50% in winter months, increasing our electricity and heating cost
- Validity of Daylight Analysis Study: No such survey has been conducted locally. Heavily manipulated to show desired effect, document is unsubstantiated and serves interests of the applicant. Siblingz Visual Labz are not qualified (RICS registered)
- Clarification over drawings: Elevation drawings show removal of chimney building despite being told this was a reason for refusal. Floor plans show an absence of clarity and details of the proposed extension measurements making it unclear what size or shape this might be. Revised drawings continue to show no clarity and continuity in the proposed work. Revised drawings submitted after closing date and without scrutiny. New roof design will bring extension towering above rear living room window, eliminate natural daylight and heat. Removes any attempt to introduce the daylight analysis due to the changes made. Revised drawings show introduction of a party wall – none of these features and more have been submitted for public comments until that ability has closed.
- Trees: Conifer within neighbour's boundary which has been there for many years and is within falling distance of the extension.
- Parking: Extra vehicles and traffic associated with the building work will make parking impossible.
- Noise: Noise will create difficulty for shift workers who sleep during the day. Noise will be an issue for those not in the best of health and spend a lot of time at home.
- Owner has ignored requests for the building to be reduced in size and away from window.

Officer comment: Only material planning considerations can be taken into account in the assessment of this application. Following correspondence between the case officer, Heritage and the agent, amendments were made to the proposal to show clarity and continuity. The revised drawings received on the 7<sup>th</sup> September show the retention of the chimney, both internally and externally. The roof design was revised following advice from Heritage, and its height was reduced by 0.25 metres to 2.6 metres. The extension would be built away from both neighbours, including a 0.3 metres separation distance from the boundary with No. 18 and 0.8 metres from the shared boundary with No.14.

## **PLANNING POLICY**

### National Planning Policy Framework (NPPF)

The Development Plan is prepared taking account of the National Planning Policy Framework (NPPF) (as extant at the time - the NPPF is regularly updated; currently in its 2021 version) and the associated Planning Practice Guidance (PPG) (first published in March 2014 but also regularly updated with the NPPF).

### Harlow Local Development Plan 2020

Planning law requires that proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for the site consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP), Essex County Council (ECC) Essex and Southend-on-Sea Waste Local Plan 2017 and ECC Essex Minerals Local Plan 2014.

The part of the Development Plan applicable to the proposal is the HDLP. The HDLP is prepared in the context of the National Planning Policy Framework (NPPF) – see ‘Planning Standards’ below. It is important to note that this is a very recently adopted and therefore ‘up to date’ plan in terms of NPPF Para.12.

Policies of most relevance to the proposal are:

PL1 - Design Principles for Development

PL2 - Amenity Principles for Development

PL12 – Heritage Assets and Their Settings

WE5 – Heritage

IN2 - Impact of Development on the Highways Network including Access and Servicing

IN3 - Parking Standards

Several forms of ‘planning standard’ are relevant to the application. These standards complement Development Plan policies.

Harlow and Gilston Garden Town (HGGT) is a designated ‘Garden Community’ under the Government’s Garden Communities Programme.

NPPF Para.72 provides the national policy context for Harlow and Gilston Garden Town (HGGT) as a location for *larger scale (housing) development*. Of particular note is the emphasis on; *existing or planned investment in infrastructure, the areas economic potential and the scope for net environmental gains..... plus; clear expectations for the quality of development and how this can be maintained (such as by following garden city principles)*.

The HGGT (Local Authorities) Partnership has published a series of documents that set the standards expected for developments in the Garden Town and are therefore relevant to this application.

### **Supplementary Planning Documents (SPD) /Other Guidance**

The following local planning guidance is relevant to this application:

HDC Design Guide SPD (2011)

Design Guide Addendum SPD (adopted December 2021).

ECC Essex Parking Standards Design and Good Practice (2009)

ECC Development Management Policies (2020 - living document with regular updates).

HGGT Guidance

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emphasis on; existing or planned investment in infrastructure, the areas economic potential and the scope for net environmental gains..... plus; clear expectations for the quality of development and how this can be maintained (such as by following garden city principles).

The HGGT (Local Authorities) Partnership has published a series of documents that set the standards expected for developments in the Garden Town and are therefore relevant to this application.

The HGGT Vision elaborates on the HGGT's interpretation of garden city principles and sets expectations for high quality development to accord with the principles.

The HGGT Design Guide requires consideration of design quality in a garden city principles sense and draws attention to specific local issues.

The HGGT Transport Strategy (Draft) explains the transport infrastructure investment and travel behaviour change (encouragement of bus, walking and cycling) being planned.

## **Summary of Main Issues**

The key issues to be assessed include the principle of the proposed development and its impact on the character and appearance of the area including the effect on a non-designated heritage asset and the Harlow Garden Village Estate Conservation Area, neighbouring amenity and parking.

### **Principle of Proposed Development**

The acceptability of the principle of the proposed development is dependent on its compliance with the relevant policies within the Harlow Local Development Plan (HLDP) 2020 and supplementary documents, as assessed below.

### **Impact on the character and appearance of the area including the effect on a non-designated heritage asset and the Harlow Garden Village Estate Conservation Area**

Policy PL1 of the HLDP and the Harlow Design Guide SPD indicate that proposals should not result in demonstrable harm to the character and appearance of the application dwelling or area. Principle DG47 of the Harlow Design Guide SPD states that proposals for householder developments should respect the size, grain, height, materials, features and layout of the building to be extended. Extensions should be subordinate to the host property.

Policy PL12 of the HDLP requires an assessment against national policies and sets out a number of criteria regarding how impact will be assessed. National Policy is set out in the NPPF and in this case the tests are set out in paragraphs 201 and 202. If harm is less than substantial, the harm should be weighed against the public benefits. The criteria are:

- (a) the impact of development on the character, appearance, or any other aspect of the significance of the asset or its setting;
- (b) the design quality of the development and the extent to which it safeguards and harmonises with the period, style, materials and detailing of the asset (including scale, form, massing, height, elevation, detailed design, layout and distinctive features);
- (c) the extent to which the development is sympathetically integrated within the area and any distinctive features (including its setting in relation to the surrounding area, other buildings, structures and wider vistas and views);
- (d) the extent to which the development would enhance, or better reveal, the significance of the heritage asset; and

(e) any public benefits of the development

The impact of the proposals in regards to PL1 and PL12 will be assessed against two assets – the house itself (a non-designated asset) and the Conservation Area.

Page 23 of the Harlow Garden Village Estate Conservation Area Character Appraisal indicates that chimneys are a key feature of the area's significance, which contribute to the cohesive and regular appearance of the group of locally listed buildings. Its removal would therefore not be supported as it would erode the character of the group, causing harm to the locally listed buildings. Following correspondence between the case officer and agent, it was clarified that this feature would be retained, both internally and externally. In this respect, the proposal would therefore be seen in compliance with policies PL1, PL12 and WE5 of the Harlow Local Development Plan 2020.

This part of St Johns Avenue consists predominantly of semi-detached dwellinghouses with a rather uniform design, form, scale and appearance. Numbers 4-30 (evens) and 7-37 (odds) are the most readily identifiable and prominent housing group within the Conservation Area. As outlined by paragraph 6.15 of the Conservation Area's Appraisal notes, these properties share a high degree of architectural similarity. Each semi-detached dwelling appears to mirror in design with its attached neighbour, which includes fenestration of a similar scale and design. Due to its location to the rear of the property and shielding by the host, it would not be highly visible within the public realm or appear overly prominent within the streetscene. It is therefore considered the impact on the Conservation Area would be minimal, and the character and appearance of the surrounding streetscape would be maintained.

Following correspondence between the case officer, agent and Heritage Officer, amendments were made to the proposal, including the original hipped element section of the roof adjacent to No.18 being replaced for a lean-to design, and a reduced extension height from 3.85 metres to 3.6 metres in height, to obtain a more subservient relationship with the dwelling and Conservation Area. As a result of these revisions, it was advised by the Heritage Officer that the proposed extension would be well articulated, following the planned form of the host. It is therefore considered the significance and character of the host would be maintained, and the extension would be an acceptable addition.

Taking the above into consideration, the proposed development would be considered to be acceptable with regards to design and heritage considerations and would preserve the character and appearance of the Harlow Garden Village Conservation Area. The proposal would therefore be in general compliance with policy PL1, PL12 and WE5 of the Harlow Local Development Plan 2020.

### **Neighbouring Amenity**

Policy PL2 of the HLDP and the Harlow Design Guide aim to ensure that developments do not adversely affect adjacent residents, taking into consideration impacts on access to daylight and sunlight, overshadowing, privacy and overlooking.

The proposed windows on the rear would overlook the garden and there would be no windows on the side elevation facing No. 14 or No. 18. The proposed bi-fold doors would be 1 metre away from the shared boundary with No.18. In relation to No.14, the doors would be shielded by the western element of the development and be situated 5.2 metres away from the shared boundary. It is not therefore considered that the proposed fenestration would result in overlooking or privacy impacts.

The extension would be built 0.8 metres away from the shared boundary No.14. However, as No.14 is built away from the shared boundary, the extension would be 3.8 metres away from its side elevation. It is therefore considered the habitable windows of this neighbour is set sufficiently far enough away to ensure that the form, massing and scale of the proposed extension would not result in any unacceptable impact on neighbouring amenity.

Following the revisions made to the roof design and extension height as outlined above, a revised a Daylight Analysis was submitted. The study focusses its assessments on two core calculations – a sunlight impact assessment (Annual Probable Sunlight Hours) and daylight impact assessment (Vertical Sky Component).

Representations were received questioning the validity of the study. The study is based upon information supplied by the applicant, including floor plans and elevation drawings, in addition to online imagery. When assessing daylight analysis reports, the LPA will be guided by the tests laid out by the *Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight', A guide to good practice, Second Edition*.

The report, which is based upon BRE guidance, is considered a useful basis to assess the impact of the extension on amenity impact. The council has reviewed the information supplied and consider there to be no reason to doubt the conclusions of the findings.

The BRE guidelines state when measuring the effect a proposed development will have on the Annual Probable Sunlight Hours (APSH) of an existing window, if the APSH value drops below the annual (25%) or winter (5%) guidelines and is both less than 0.8 times the baseline value and there is a reduction of more than 4% of the annual APSH, the proposed development could possibly have a noticeable impact on sunlight.

The study indicates that No. 14 has an existing APSH of 63.57%, which falls to 60.80% following the introduction of the extension. This represents an annual 4.36% a drop in APSH at No. 14.

Number 18 has an existing APSH of 64.13%, which falls to 58.4% following the extension. This represents an 8.93% drop in annual APSH at No. 18.

Therefore, despite the reduction in APSH at both neighbours, the extension would still meet the annual 25% BRE guidelines. It is therefore considered the proposal would not result in an unacceptable level of impact on the amount of sunlight received by either No. 14 or No. 16.

The availability of sunlight should also be checked against for all open spaces where sunlight is required, including back gardens. BRE guidelines recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If, as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. Lengths of shadows at the autumn equinox (21 September) will be the same as those for 21 March (spring equinox).

The results indicate that exposure to sunlight hours following the proposed extension at the centre point of the two closest south facing windows of the neighbouring properties would be unchanged at No. 14 and slightly reduced from 3.23 hours to 2.96 at No. 18 during summer. This represents a 9% drop in exposure to sunlight at No.18 following the introduction of the extension.

During the winter, exposure to sunlight hours remains largely unchanged at No. 14 and reduces from 1.53 hours to 1.46 hours at No. 18 at the centre point of the two closest south facing windows. This represents a 5% drop in exposure to sunlight at No.18 following the introduction of the extension.

The analysis also depicts an hourly shadow movement for the proposal in comparison to the existing site, which are detailed for Summer and Winter solstice and the Autumn equinox. These images show that following the introduction of the extension, both amenity spaces of the neighbours would continue to receive sufficient levels of sunlight hours and would not be materially overshadowed.

Therefore, despite the reduction in sunlight hours at No.18, the extension would still meet the BRE guidelines. It is therefore considered the proposal would not result in an unacceptable level of impact on the amount of sunlight hours received by either No. 14 or No. 18.

In relation to the Vertical Sky Component (VSC) calculations, the BRE guidelines state that if the VSC at the centre of a window is more than 27% (or if not, then it is more than 80% of its former value), then the diffuse daylighting of the existing building will not be adversely affected.

The study indicates No. 14 has a VSC of 27.43, which falls to 26.26 following the introduction of the extension. This represents a 4.26% reduction in VSC at No.14.

Number 18 has an existing VSC of 29.65, which falls to 28.41 following the extension. This represents a 4.17% reduction in VSC at No. 18.

Therefore, despite the reduction in VSC at both neighbours, the extension would still meet the 27% BRE guidelines. It is therefore considered the proposal would not result in an unacceptable level of impact on the amount of daylight received by either No. 14 or No. 16.

Taking this information into account, it is therefore considered that the proposed extension impact would have an acceptable impact on the amount of daylight and sunlight received at both neighbours. It is not considered the proposal would give rise to significant privacy or overlooking concerns. It is therefore considered that the proposal would not result in unacceptable impacts to neighbouring amenity, in compliance with policy PL2 of the HLDP and the Harlow Design Guide SPD.

## **Parking**

Policies IN2 and IN3 of the Harlow Local Development Plan 2020 indicate that development should not have a detrimental impact on highway safety and congestion, and be in accordance with the Essex Parking Standards 2009.

As no additional bedrooms are proposed, further parking provision would not be required and given its scale and nature, it is not considered that it would result in unacceptable long-term impacts to parking or to the highway, in compliance with policies IN2 & IN3 of the HLDP and the Essex Parking Standards 2009.

## **Equalities**

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The above duties require an authority to demonstrate that any decision it makes is reached “in a fair, transparent and accountable way, considering the needs and the rights of different members of the community and the duty applies to a local planning authority when determining a planning application.

Officers consider that the application does not give rise to any concerns in respect of the above.

## **CONCLUSIONS:**

The proposal is not considered to result in unacceptable harm to the character and appearance of the application dwelling or area, and would not result in unacceptable impacts to neighbouring amenity or to parking. The proposal is therefore considered to be in compliance with the relevant policies within the HLDP and supplementary documents and is recommended for approval accordingly.

## **RECOMMENDATION**

**That Committee resolve to GRANT PLANNING PERMISSION subject to the following conditions:**

### **Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 2) Prior to their first use on site a schedule of the types and colour of the materials (including windows and doors) to be used in the external finishes shall be submitted to and approved in writing by the Local Planning Authority.  
**REASON: In the interests of visual amenity and to preserve the character and appearance of the non-designated heritage asset and conservation area, in accordance with policies PL1, PL12 and WE5 of the Harlow Local Development Plan, December 2020.**

- 3) The rooflights shall be of low-profile conservation type, the specification to be approved by the Local Planning Authority prior to their first use on site.

**REASON: In the interests of visual amenity and to preserve the character and appearance of the non-designated heritage asset and conservation area, in accordance with policies PL1, PL12 and WE5 of the Harlow Local Development Plan, December 2020.**

- 4) The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

**REASON: For the avoidance of doubt and in the interests of proper planning.**

<b>Plan Reference</b>	<b>Version No.</b>	<b>Plan Type</b>	<b>Date Received</b>
Sheet No 1	Rev D	Block Plan	07.09.2022
Sheet No 2	Rev D	Existing Ground Floor Plan	07.09.2022
Sheet No 3	Rev D	Proposed Ground Floor Plan	07.09.2022
Sheet No 4	Rev D	Existing & Proposed First Floor Plans	07.09.2022
Sheet No 5	Rev D	Existing and Proposed Roof	07.09.2022
Sheet No 6	Rev D	Existing & Proposed Rear Elevations	07.09.2022
Sheet No 7	Rev C	Existing and Proposed Side Elevations	07.09.2022
Sheet No 8	Rev C	Existing and Proposed Side Elevations	07.09.2022
Sheet No 9	--	Proposed Section A-A	07.09.2022

## **INFORMATIVE CLAUSES**

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.